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NOTICE

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- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.

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(9) "Cold storage" means space equipped to be artificially cooled to a temperature of 10° F. or below, and in which food commodities are customarily stored (but not operated as a part of an established retail food business, hotel, or other establishment where persons are housed or fed, and not including a refrigerator storage compartment, usually called a locker, having a capacity of not more than 15 cubic feet).

(10) "Wholesale receiver" means a person who accepts delivery of processed turkeys from one or more authorized processors for the account of said processors, or who purchases processed turkeys from one or more authorized processors.

(11) "Turkey buyer" means a person who purchases hen turkeys for delivery to one or more authorized processors.

(12) "Governmental agency" means (i) the Armed Services of the United States (excluding for the purpose of this order, United States Army Post Exchanges, United States Navy Ships' Service Departments, and United States Marine Corps Post Exchanges); (ii) the War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a food distribution regulation, is entitled to purchase hen turkeys or processed turkeys subject to this order.

(13) "Armed Services of the United States" means the Army, the Navy, the Marine Corps, and the Coast Guard of the United States.

(14) "U. S. Army Quartermaster Market Center" means:

(i) With respect to hen turkeys processed in Minnesota, Iowa, Illinois, North Dakota, South Dakota, or Nebraska, the

Officer in Charge, Field Headquarters, Perishable Section, Subsistence Branch, Office of the Quartermaster General, Attention: Poultry Section, 22 West Adams Street, Chicago 6, Ill.

(ii) With respect to hen turkeys processed in Kansas, the

Officer in Charge, Quartermaster Market Center, Attention: Poultry Section, Kansas City Food Terminal Building, Kansas City 15, Kans.

(iii) With respect to hen turkeys processed in Missouri, either the Officer in Charge in (a) (14) (ii) or the

Officer in Charge, Quartermaster Market Center, Attention: Poultry Section, 707 Market Street, St. Louis 1, Mo.

(iv) With respect to hen turkeys processed in Oklahoma, the

Officer in Charge, Quartermaster Market Center, Attention: Poultry Section, 407 Savings Building, Oklahoma City, Okla.

(v) With respect to hen turkeys processed in Texas, either the

Officer in Charge, Quartermaster Market Center, Attention: Poultry Section, Produce Terminal Building, 1201 Jones Street, Fort Worth 2, Tex.

or the

Officer in Charge, Quartermaster Market Center, Attention: Poultry Section, 409 Milan Building, 115 West Travis Street, San Antonio 5, Tex.

(vi) With respect to hen turkeys processed in Washington or Oregon, the

Officer in Charge, Quartermaster Market Center, Attention: Poultry Section, 228 National Building, 1008 Western Avenue, Seattle 4, Wash.

(vii) With respect to hen turkeys processed in Utah, the

Officer in Charge, Quartermaster Market Center, Attention: Poultry Section, Produce Exchange Building, 426 S. W. Temple, Salt Lake City 1, Utah.

(viii) With respect to hen turkeys processed in California, either the

Officer in Charge, Quartermaster Market Center, Attention: Poultry Section, 111 West Seventh Street, P. O. Box 6480, Los Angeles 55, Calif.

or the

Officer in Charge, Quartermaster Market Center, Attention: Poultry Section, 248 Battery Street, San Francisco 11, Calif.

(ix) With respect to hen turkeys processed in Colorado, the

Officer in Charge, Quartermaster Market Center, Attention: Poultry Section, Food Terminal Building, 177 Denargo Market, Denver 5, Colo.

(x) With respect to hen turkeys processed in Rockingham County, Virginia, the

Officer in Charge, Quartermaster Market Center, Attention: Poultry Section, Room 825, 165 Broadway, New York 6, N. Y.

(15) "State Supervisor" means the State supervisor of the Office of Distribution, War Food Administration, in one of the 16 States constituting or containing a turkey area. The address of the State supervisor for each turkey area is as follows:

(i) State Supervisor, Office of Distribution, War Food Administration, 110 Federal Courts Building, St. Paul, Minn.

(ii) State Supervisor, Office of Distribution, War Food Administration, 208 Old Colony Building, Des Moines, Iowa.

(iii) State Supervisor, Office of Distribution, War Food Administration, 5 South Wabash Ave., Chicago, Ill.

(iv) State Supervisor, Office of Distribution, War Food Administration, 716 South Seventh Street, Fargo, N. Dak.

(v) State Supervisor, Office of Distribution, War Food Administration, 347 Dakota Avenue, South, Huron, S. Dak.

(vi) State Supervisor, Office of Distribution, War Food Administration, Box 150, State House Station, Lincoln, Nebr.

(vii) State Supervisor, Office of Distribution, War Food Administration, 611 Central Building, Topeka, Kans.

(viii) State Supervisor, Office of Distribution, War Food Administration, 8th Floor—Civil Courts Building, St. Louis, Mo.

(ix) State Supervisor, Office of Distribution, War Food Administration, 408 Midwest Building, Oklahoma City, Okla.

(x) State Supervisor, Office of Distribution, War Food Administration, 603 Littlefield Building, Austin, Tex.

(xi) State Supervisor, Office of Distribution, War Food Administration, 714 Alaska Building, Seattle 4, Wash.

(xii) State Supervisor, Office of Distribution, War Food Administration, 416 Beneficial Life Building, Salt Lake City, Utah.

(xiii) State Supervisor, Office of Distribution, War Food Administration, 760 Market Street—Room 457, San Francisco, Calif.

(xiv) State Supervisor, Office of Distribution, War Food Administration, 810 Fourteenth Street, Denver, Colo.

(xv) State Supervisor, Office of Distribution, War Food Administration, 215 Mayer Building, Portland 5, Oreg.

(xvi) State Supervisor, Office of Distribution, War Food Administration, 203 North Jefferson Street, Richmond, Va.

(b) *Authorization of processors.* Any person who desires to process hen turkeys in a turkey area and to serve as an authorized processor may file with the Order Administrator an application by letter or by telegram followed by letter of confirmation. The application submitted to the Order Administrator shall contain (1) a statement with respect to the location of each plant in a turkey area or areas where he is to process hen turkeys pursuant to the provisions hereof, and (2) a representation that 100 percent of the processed turkeys will be handled only in accordance with the provisions of this order. Thereupon, the Order Administrator shall consider such application and may issue a letter of authorization to process hen turkeys if he determines that such authorization is appropriate to effectuate the provisions hereof. If the Order Administrator declines to approve the application, the application shall be forwarded to the Director. The Director may issue a letter of authorization to the applicant if he determines that the issuance of such authorization is necessary or appropriate in the public interest and to promote the national defense. No person shall serve as, or represent himself to be, an authorized processor unless he has received from the Order Administrator or the Director a letter of authorization, as aforesaid; and an authorized processor shall not process hen turkeys except in the turkey area or areas specified in the letter of authorization issued by the Order Administrator or the Director.

(c) *Restrictions.* (1) No person, except as hereinafter provided, shall (i) sell, contract to sell, give, or deliver hen turkeys or processed turkeys or (ii) purchase, contract to purchase, receive, or accept delivery of hen turkeys or processed turkeys.

(2) No person, other than an authorized processor, shall process hen turkeys within a turkey area or areas.

(3) No person shall ship or transport hen turkeys grown or located in a turkey area to any point outside of such area, except to an authorized processor in an adjoining turkey area.

(4) Notwithstanding the provisions of (c) (1) and (c) (3) hereof, hen turkeys may be sold and delivered to, and purchased and delivery accepted by, (i) a governmental agency, (ii) any person for such person's use in the fulfillment of an existing contract with a governmental agency, (iii) a turkey buyer, or (iv) an authorized processor. A turkey buyer may purchase and accept delivery of hen turkeys only in the event such hen turkeys are to be resold and delivered by him to an authorized processor.

(5) Each authorized processor shall set aside and thereafter hold 100 percent of the hen turkeys processed by him. The processed turkeys set aside or required to be set aside by an authorized processor may be sold or delivered by the authorized processor only to the United States Army Quartermaster Market Center, to a wholesale receiver, or such may be delivered to a cold storage warehouse. Each authorized processor who sells or delivers processed turkeys to a whole-

sale receiver, or who delivers processed turkeys to a cold storage warehouse, shall deliver, with each such shipment or delivery of processed turkeys, a certificate in duplicate, signed by him, in substantially the following language (with the appropriate information inserted in the blank spaces):

This is to certify that ____ pounds of processed turkeys hereby delivered are processed turkeys set aside pursuant to the provisions of War Food Order No. 97, issued by the War Food Administrator on April 20, 1944, and you are required, pursuant to the provisions of said order, to set aside and hold said processed turkeys in accordance with the provisions of said order.

(Signature of Authorized Processor)

This will acknowledge receipt of the above indicated quantity of processed turkeys set aside pursuant to War Food Order No. 97.

(Signature of Wholesale Receiver or Cold Storage Owner or Operator)

The aforesaid certificate shall be signed in duplicate by the person who accepts delivery, as aforesaid, of the processed turkeys, and such person shall return the original to the authorized processor, and shall retain the copy for one year after the date of receipt thereof.

(6) No person owning processed turkeys set aside or required to be set aside hereunder shall use such processed turkeys, in any manner whatsoever, or permit the use of such processed turkeys by another.

(7) A wholesale receiver purchasing or accepting delivery of processed turkeys shall set aside and hold such processed turkeys until such processed turkeys are (i) purchased or rejected by the U. S. Army Quartermaster Market Center, (ii) released by the U. S. Army Quartermaster Market Center for sale to another governmental agency, or (iii) released by the Director.

(8) Notwithstanding the provisions of (c) (1), (c) (5) and (c) (6) hereof, processed turkeys set aside or required to be set aside hereunder may be sold, delivered, used, or removed from storage, subject only to the provisions of (c) (9) hereof, if such processed turkeys are offered, in writing, for sale to the U. S. Army Quartermaster Market Center and rejected by said U. S. Army Quartermaster Market Center.

(9) The owner or operator of cold storage, wherein processed turkeys are set aside or required to be set aside, may permit the removal of processed turkeys, set aside or required to be set aside hereunder, from cold storage, owned or operated by him, only if he obtains a certificate from the owner of such processed turkeys stating that (i) such processed turkeys have been sold to a governmental agency; (ii) the processed turkeys have been rejected by the U. S. Army Quartermaster Market Center, or (iii) the processed turkeys have been released by the Director. The owner or operator of such cold storage shall, upon the Director's request, transmit any or all certificates, submitted as aforesaid, to the Director. All statements contained in or accom-

panying any such certificate shall be deemed to be representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it contains one or more false statements.

(10) Each owner or operator of cold storage shall, upon the request of the U. S. Army Quartermaster Market Center or the U. S. Army Veterinary Corps, make all processed turkeys, set aside or required to be set aside hereunder, in such cold storage, available for inspection by the U. S. Army Quartermaster Market Center or the U. S. Army Veterinary Corps.

(d) *Releases.* (1) Where an owner has less than 25 hen turkeys and no authorized processor is situated within 100 miles of the farm where the hen turkeys are located, and the owner makes written application to the State Supervisor, Office of Distribution, War Food Administration, for the release of the hen turkeys, said State Supervisor may release the hen turkeys for local consumption. If, however, the released hen turkeys are purchased by a turkey buyer or an authorized processor, such hen turkeys shall again become subject to the restrictions of this order.

(2) The Director may, notwithstanding the provisions hereof, release any hen turkeys or processed turkeys from the restrictions hereof, if the Director determines that such release is necessary or appropriate in the public interest and to promote the national defense.

(e) *Exemption.* The provisions of this order shall not apply to hen turkeys used for home consumption by the owner of the hen turkeys.

(f) *Records and reports.* (1) Each authorized processor shall notify the U. S. Army Quartermaster Market Center for the State where said authorized processor has processed hen turkeys that the processed turkeys are available for inspection at the authorized processor's plant, the cold storage warehouse, or the wholesale receiver's warehouse. The notification shall state where the processed turkeys will be available for inspection, when shipment is to be made to the cold storage warehouse or wholesale receiver, and to whom payment is to be made if the processed turkeys are sold to the U. S. Army Quartermaster Market Center.

(2) Each wholesale receiver who receives processed turkeys shall, upon receipt of said processed turkeys, notify the Office of the Quartermaster General at the address shown below. The notice of the arrival of the processed turkeys and that they are available for inspection at a given address shall be sent to the

Officer in Charge, Field Headquarters, Perishable Section, Subsistence Branch, Office of the Quartermaster General, Attention: Poultry Section, 22 West Adams Street, Chicago 6, Ill.

(3) The Director shall be entitled to obtain such information from, and require such reports and records by, any person as may be necessary or appropriate, in the Director's discretion, to the

enforcement or administration of the provisions of this order.

(4) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in processed turkeys.

(g) *Audits and inspections.* The Director shall be entitled to make such audit and inspection of the books, records and other writings, premises or stock of processed turkeys of any person subject to this order.

(h) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued or payments made thereunder. This order shall not, however, be construed as reducing the amount of the processed turkeys which any person is required to offer or deliver pursuant to contracts heretofore or hereafter entered into with any governmental agency.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 97, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (i) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(j) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using hen turkeys or processed turkeys, or any other material subject to priority or allocation control by any governmental agency. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(k) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the ad-

ministration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as Order Administrator.

(1) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Order Administrator, WFO 97, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C.

(m) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., April 21, 1944.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 20th day of April 1944.

GROVER B. HILL,
First Assistant War
Food Administrator.

[F. R. Doc. 44-5712; Filed, April 21, 1944;
1:16 p. m.]

[WFO 96 and 96-1]

PART 1468—GRAIN

SUSPENSION OF SET ASIDE REQUIREMENTS
FOR CORN

With respect to all corn received after the effective date hereof, War Food Order No. 96 (9 F.R. 3253), and War Food Order No. 96-1 (9 F.R. 3628), are suspended until further order.

This order shall become effective at 12:01 a. m., c. w. t., April 25, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under War Food Order No. 96 prior to the effective date of this suspension, all provisions of said War Food Order No. 96 in effect prior to this suspension shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 22d day of April 1944.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 44-5790; Filed, April 24, 1944;
11:15 a. m.]

[WFO 98]

PART 1468—GRAIN

LIMITATIONS ON SALE, TRANSPORTATION, AND
USE OF CORN

The fulfillment of requirements for the defense of the United States has resulted

in a shortage in the supply of corn for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1468.6 *Limitations on sale, transportation and use of corn—(a) Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not, and includes any State or political subdivision or agency thereof.

(2) "Corn" means yellow, white, or mixed shelled corn, whole corn, ear corn, or snap corn, of the dent or flint varieties, excluding, however, seed corn, popcorn, grain sorghums, sweet corn, broom corn, and corn used for canning purposes.

(3) "Elevator operator" means a person who owns or operates a grain elevator, warehouse, or barge or car loading facility, and who receives corn for resale.

(4) "Commodity" means the Commodity Credit Corporation.

(5) "Chief of AAA" means the Chief of the Agricultural Adjustment Agency, War Food Administration, or any employee or agency of the Department of Agriculture designated by him.

(6) "Designated area" includes the following:

Illinois, counties of: Bureau, Cass, Champaign, Christian, De Witt, Douglas, Edgar, Ford, Fulton, Grundy, Iroquois, Kankakee, Kendall, Knox, LaSalle, Lee, Livingston, Logan, McLean, Macon, Marshall, Mason, Menard, Morgan, Moultrie, Peoria, Piatt, Putnam, Sangamon, Scott, Stark, Tazewell, Vermilion, Will, and Woodford.

Indiana, counties of: Benton, Fountain, Jasper, Montgomery, Newton, Pulaski, Starke, Tippecanoe, Vermillion, Warren, and White.

Iowa, counties of: Audubon, Boone, Buena Vista, Calhoun, Carroll, Cerro Gordo, Cherokee, Clay, Crawford, Dallas, Dickinson, Emmet, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Humboldt, Ida, Jasper, Kossuth, Lyon, Marshall, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawatamie, Poweshiek, Sac, Shelby, Sioux, Story, Tama, Webster, Winnebago, Woodbury, and Wright.

Minnesota, counties of: Blue Earth, Brown, Chippewa, Cottonwood, Faribault, Jackson, Lac Qui Parie, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Watonwan, and Yellow Medicine.

Nebraska, counties of: Burt, Butler, Cass, Cuming, Dodge, Douglas, Lancaster, Otoe, Sarpy, Saunders, Seward, Thurston, and Washington.

(7) "Designated agent" means an elevator operator located in the designated area and authorized by Commodity to receive corn for the account of Commodity.

(8) "County committee" means the County Agricultural Conservation Committee.

(9) "Feeder" means any farmer or other person who acquires corn for the purpose of feeding livestock or poultry.

(10) "Authorized agent" means any employee of the United States, any State or local agency, whose services are utilized by the Agricultural Adjustment Agency pursuant to (k) hereof.

(11) "Mixed feed manufacturer" means any person who uses corn in the manufacture of mixed feed for sale.

(b) *Limitations on sale and transportation.* Except as hereinafter otherwise provided:

(1) No person shall sell or deliver corn located in the designated area to any person other than Commodity or its designated agent, and no person other than Commodity or its designated agent shall purchase or accept delivery of corn located in such area.

(2) No person shall accept corn located in the designated area for transportation or delivery to any person other than Commodity or its designated agent. This provision shall not be construed to prevent any person or his agent from transporting corn owned by him from any point within the designated area to another point within such area.

(3) No person shall transport corn from the designated area to any place outside of such area, except to Commodity or its designated agent.

(c) *Exemptions.* (1) Any feeder whose establishment is located in the designated area and who has less than a 30-day supply of corn for feeding requirements may, upon application to the County committee for the county in which his establishment is located, be authorized by the committee, in writing, to acquire and transport:

(i) From any person other than an elevator operator in the designated area either 50 bushels of corn located in such area or such amount as is necessary to make his inventory equal to a 30-day supply, whichever amount is the greater;

(ii) From any elevator operator located in the designated area either 50 bushels of corn not subject to the set aside requirements of War Food Order No. 96 (9 F. R. 3253) or War Food Order No. 96-1 (9 F. R. 3628), or such amount of such corn as is necessary to make his inventory equal to a 30-day supply, whichever amount is the greater.

(2) Upon the surrender to the seller of an authorization issued by the appropriate County committee in accordance with (c) (1) hereof:

(i) Any person other than an elevator operator in the designated area may sell and deliver to the person named in such authorization the amount of corn specified therein; and

(ii) Any elevator operator located in the designated area may sell and deliver to the person named in such authorization corn not subject to the set aside requirements of War Food Order No. 96, *supra*, or War Food Order No. 96-1, *supra*, in the amount specified in such authorization.

(3) Any feeder, upon application to the County committee for the county where corn owned by him is located, may be authorized by such committee, in writing, to transport such corn to any point outside of the designated area for the purpose of feeding livestock or poultry owned by him.

(4) Any person who buys, sells, or transports corn in accordance with the provisions of any authorization issued by a County committee under this order shall comply with all directions contained in such authorization.

(d) *Transportation.* (1) Any person transporting corn within or from the

designated area by any means other than rail shall stop upon request by an authorized agent, shall identify the source and destination of such corn, and shall allow inspection of any shipping papers in his possession; and any authorized agent who has probable cause to believe that any person is transporting corn in violation of this order is authorized to stop such person and make the inspection herein provided for.

(2) Any person transporting corn within or from the designated area in accordance with an authorization issued under (c) hereof shall, while engaged in such transportation, carry a copy of such authorization which shall be submitted for inspection by an authorized agent upon request.

(e) *Limitations on use.* (1) Beginning May 1, 1944, no mixed feed manufacturer located in the designated area shall use during any month any quantity of corn in the manufacture of mixed feed which is in excess of the average quantity of corn used by him in the manufacture of mixed feed during the corresponding month of the calendar years 1942 and 1943.

(2) Every person who, under an authorization from Commodity, acquires corn from Commodity or any of its designated agents shall comply with all the terms and conditions specified in such authorization, and any failure to comply with such terms and conditions shall constitute a violation of this order.

(f) *Contracts.* The provisions of this order and of all orders or regulations issued pursuant thereto shall be observed without regard to contracts heretofore or hereafter made, or any rights accrued or payments made thereunder.

(g) *Records and reports.* (1) The Chief of AAA shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least one year (or for such period of time as the Chief of AAA may designate), maintain an accurate record of his transactions in corn.

(3) Every elevator operator shall, prior to any sale or delivery of corn under the provisions of (c) hereof, report to the County committee for the county in which his elevator or other facility is located the amount of corn on hand on the effective date of this order which was not subject to the set aside requirements of War Food Order No. 96, *supra*, or War Food Order No. 96-1, *supra*.

(h) *Audits and inspections.* The Chief of AAA shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of corn of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(i) *Request for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a request for relief with the County committee for

the county in which the corn is located. The request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. Such request shall be acted upon by the Chief of AAA or any employee of the Agricultural Adjustment Agency designated by him.

(j) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using corn or any other material subject to priority or allocation control by any governmental agency. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(k) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Chief of AAA. The Chief of AAA is authorized to redelegate to any employee of the United States Department of Agriculture, or to any agency or employee of the United States, any or all of the authority vested in him by this order, and to utilize the services of any Federal, State, or local agency in the administration of this order.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Chief of AAA, be addressed to the Chief of Agricultural Adjustment Agency, United States Department of Agriculture, Washington 25, D. C., Ref.: WFO 98.

This order shall be effective for 60 days beginning at 12:01 a. m., c. w. t., April 25, 1944.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and all subsequent reporting and record-keeping requirements of this order will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 22d day of April 1944.

GROVER B. HILL,

Acting War Food Administrator.

[F. R. Doc. 44-5791; Filed, April 24, 1944; 11:15 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

[Procurement Reg. 12]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

RENEGOTIATION AND PRICE ADJUSTMENT; CONTRACT ARTICLES FOR STATUTORY RE-NEGOTIATION

Correction

In F.R. Doc. 44-5298, appearing at page 4065 of the issue for Tuesday, April 18, 1944, the eighth line of § 81.1208 (c) in

the first column of page 4072, is corrected by changing the words "under section (1) (1)" to read "or unless the original".

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Rev. Reg. 10]

PART 602—GENERAL ORDERS AND DIRECTIVES

LIMITATION OF BITUMINOUS COAL DELIVERY

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of bituminous coal for defense, for private account and for export; and the following regulation is deemed necessary and appropriate in the public interest and to promote the national defense:

Sec.

- 602.171 Definitions.
- 602.172 Limitations based on bituminous coal stocks of industrial consumers.
- 602.173 Voluntary efforts to level industrial consumers' stocks; information concerning non-cooperative consumers.
- 602.174 Restrictions on shipments to industrial consumers unless orders comply with § 602.172 and are submitted on time and contain certain information.
- 602.175 Reports by producers, commercial dock operators, and lake or tidewater forwarders.
- 602.176 Industrial consumer requests for assistance in securing and maintaining stocks.
- 602.177 Prohibited operating practices.
- 602.178 Joint responsibility of industrial consumer and producer to assure that production is in no event curtailed.
- 602.179 Representations.
- 602.180 Damages for breach of contract.
- 602.181 Violations.
- 602.182 Application for modification and exception; inquiries and communications.
- 602.183 Approval by Bureau of the Budget.
- 602.184 Action under other regulations.
- 602.185 Solid Fuels Administration for War Regulation No. 10 and amendments thereto superseded.

AUTHORITY: §§ 602.171 to 602.185, inclusive, issued under E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

§ 602.171 *Definitions.* For purposes of this regulation:

(a) "Coal" or "bituminous coal" means all bituminous and subbituminous coal produced in Districts 1-23, inclusive, except Districts Nos. 5 and 21, as described in the Annex to the Bituminous Coal Act of 1937, as amended.

(b) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or organized group of persons.

(c) "Producer" means any person (except when engaged in retail dealer transactions) engaged in the business of mining or preparing bituminous coal (or the sales agent of such person).

(d) "Wholesaler" means any distributor, jobber, forwarder, commercial dock operator (river, lake, or tidewater), or other person (except when engaged in retail dealer transactions) who acts in

the capacity of a seller in a transaction involving the resale of bituminous coal.

(e) "Industrial consumer" means any person who consumes bituminous coal and acts in the capacity of a buyer or consignee of such coal either in a transaction of purchase thereof from a producer or wholesaler, or pursuant to an order placed with a producer or wholesaler. "Industrial consumer" also means any person who consumes 10,000 tons or more bituminous coal per year irrespective of the source (producer, wholesaler or retail dealer) from which such coal is purchased or obtained.

(f) "Public utility" means an industrial consumer who renders a public service by supplying electricity, water, or gas to a community.

(g) "Retail dealer" means any person (including the retail outlet, branch or department of a person who is also a producer or wholesaler) who acts in the capacity of a seller of bituminous coal in a transaction involving the sale, or sale and delivery, of broken bulk bituminous coal, physically handled in less than carload lots without regard to quantity or frequency of delivery.

(h) "Order" means any contract, spot order, offer to purchase, shipping instruction, requisition or any other arrangement made by an industrial consumer or by a wholesaler, designed to purchase or secure bituminous coal.

(i) "Days' supply" means the total amount of coal (produced in Districts Nos. 1-23, inclusive, and Canada) that the purchaser estimates will be in storage, upon the last day of the calendar month in which he places an order for bituminous coal, at his bin, dock, pile, in railroad cars, or vessels, or at other storage facilities auxiliary to each of his plants (or railroad system) including the total amount of coal held in storage away from each plant (or railroad system) (exclusive of such coal in transit which is not expected to arrive at the purchaser's plant, railroad system, or storage facility by the end of the month in which the order is placed) for the purchaser's account or under his control, divided by the average number of tons that it is reasonably expected the plant (or railroad system) will consume each day, including Sundays and legal holidays, during the calendar month following the month of placing an order for coal. A railroad system, in computing days' supply, shall include coal in cars on its system for its own use.

When a storage facility is auxiliary to more than one plant (or railroad system), the tonnage in such facility shall be divided by the sum of the average number of tons that is reasonably expected each plant (or railroad system) will consume each day, including Sundays and legal holidays, during the calendar month following the month of placing an order for such coal and the result of this process of division shall be deemed to be the days' supply of each plant (or railroad system) contained in such common storage facility.

Days' supply shall be computed separately for those sizes and qualities of bituminous coal which are not substan-

tially interchangeable in the operation of the plant (or railroad system).

The definition of "days' supply" is subject to the proviso that a railroad system which uses certain eastern coals (those produced in Districts 1-4, inclusive, 6, 7, 8 and 13) and also uses coals produced elsewhere may compute separately its days' supply of such eastern coals upon the basis of its estimated monthly consumption of such eastern coals, and its days' supply of such other coals upon the basis of its monthly consumption of such other coals.

(j) "Monthly consumption requirements" means requirements of a plant (or railroad system) for the month during which deliveries are requested and should be computed separately for those sizes and qualities of bituminous coal which are not substantially interchangeable in the operation of the plant (or railroad system); *Provided, however,* That a railroad system which uses certain eastern coals (those produced in Districts 1-4, inclusive, 6, 7, 8 and 13) and also uses coals produced elsewhere, may compute separately its monthly consumption requirements of such eastern coals (upon the basis of its monthly consumption of such eastern coals) and its monthly consumption requirements of such other coals (upon the basis of its monthly consumption of such other coals).

(k) "Special purpose coals" include those bituminous coals that are to be:

(1) Charged into coke ovens for the production of coke for metallurgical uses, production of gas, or for the recovery of by-products;

(2) Used for foundry or other metallurgical purposes in which the coal or its products of combustion come in direct contact with the metal during the processing;

(3) Used for foundry facings requiring special chemical or physical characteristics;

(4) Used for production of water gas;

(5) Charged into producers for the production of gas; or

(6) Used as a raw material because of special chemical or physical characteristics to form a component part of chemicals, or directly entering into the chemical processes.

§ 602.172 Limitations based on bituminous coal stocks of industrial consumers—(a) Stock Limitation Table. Except as provided by paragraphs (b) and (c) of this section and by §§ 602.178 and 602.182 of this regulation, no industrial consumer shall place an order for delivery, or receive during any calendar month, bituminous coal produced in Districts 1 to 13, inclusive, except Districts 5, 9, 10, 11 and 12 in amounts which exceed his monthly consumption requirements, except that in addition thereto he may order and receive during any calendar month not more than 20 percent of his estimated consumption requirements for November 1944 to the extent that such additional orders and receipts are necessary for the purpose of acquiring an inventory which, by November 1, 1944, will not exceed 30 days'

supply calculated upon the basis of his estimated consumption requirements for November 1944: *Provided, however,* That no industrial consumer shall place an order for delivery, or receive, during any calendar month, bituminous coal produced in Districts 7 or 8 in amounts exceeding the maximum percentage (to the nearest carload or barge lot) of his monthly consumption requirements as specified in the following table:

Days' supply (see § 602.171 (i))	Maximum percentage of monthly consumption requirements ¹			
	Public Utilities		Other Industrial Consumers	
	Percent A ²	Percent B ³	Percent A ²	Percent B ³
Less than 15 days	130	130	115	115
15 to 20 days	120	130	100	110
21 to 25 days	110	120	95	105
26 to 35 days	105	110	65	100
36 to 40 days	100	105	65	95
41 to 50 days	65	105	65	65
51 to 55 days	65	100	65	65
56 to 69 days	50	65	50	50
70 days or more	50	50	50	50

¹A railroad system which uses coal from Districts 9, 10 or 11 and from Districts 1 to 4, inclusive, 6, 7, 8 and 13, and which computes separately its days' supply of coal from each such group of districts upon the basis of its monthly consumption of coal from each such group of districts (as provided in § 602.171 (i) and (j)) shall not order for delivery or receive in the aggregate during any calendar month from Districts 1 to 4, inclusive, 6, 7, 8 and 13, an amount of coal greater than its average monthly purchases of coal from that group of districts during January, February, March and April 1944.

²Applicable to purchasers of bituminous coal shipped from any mine, yard, dock or other place via any method of transportation and to any destination except those referred to in footnote 3. A public utility having more than 40 days' supply may order and receive in addition to the amount of coal it is permitted to order and receive by the Stock Limitation Table such additional coal as is necessary to maintain 40 days' supply; likewise, an industrial consumer having more than 20 days' supply may order and receive that additional amount of coal necessary to maintain 20 days' supply.

³Applicable to purchasers of bituminous coal shipped from Canada via any method of transportation and to purchasers of bituminous coal directly shipped via tidewater to any destination in New York Harbor or New England. A public utility having more than 55 days' supply may order and receive in addition to the amount of coal it is permitted to order and receive by the Stock Limitation Table such additional coal as is necessary to maintain 55 days' supply; likewise, an industrial consumer having more than 35 days' supply may order and receive that additional amount of coal necessary to maintain 35 days' supply.

(b) (i) No restrictions as to the amount of coal which may be purchased are imposed by this regulation upon orders for bituminous coal for vessel fuel or bunker fuel, or upon orders for bituminous coal produced in Districts Nos. 5, 12 or 14 to 23, inclusive.

(ii) No industrial consumer shall place an order for delivery, or receive, from all sources combined during the period May 1, 1944 to May 15, 1945, special purpose coal in excess of the amount representing the difference between his inventory of such coals as of May 1, 1944, and the amount of his consumption requirements for such coals for the period from May 15, 1944 to May 15, 1945, except that no such person is required to maintain less than a 30 days' supply of special purpose coals.

(iii) No industrial consumer who receives coal (other than special purpose coal) via the Great Lakes, or both via the Great Lakes and all-rail, shall place an order for delivery, or receive, from all sources combined during the period May 1, 1944 to May 15, 1945 coal in excess of

the amount representing the difference between his inventory as of May 1, 1944 and his consumption requirements for the period May 1, 1944 to May 15, 1945, except that no person who receives coal via the Great Lakes and also all-rail shall be required to maintain less than a 30 days' supply of coal.

No commercial dock operator shall ship, except upon specific direction of the Solid Fuels Administration for War, any surplus tonnage which results from the restrictions imposed by this paragraph with respect to the amount of coal permitted to be received by an industrial consumer (including a railroad system) from commercial dock operators. Commercial dock operators are required to observe the requirements of SFAW Regulation No. 20 and to spread the coal on their docks as of March 21, 1944 among their customers equitably so as to permit all of them to build reasonable stockpiles.

(c) (i) The Stock Limitation Table (paragraph (a) of this section) is not applicable to orders for coal produced in Districts Nos. 9, 10 and 11. No industrial consumer having 120 days' supply or more of bituminous coal shall order or receive from Districts Nos. 9, 10 and 11 more than 100% of his monthly consumption requirements unless he first obtains written permission so to do from the Solid Fuels Administration for War.

(ii) In order to encourage the building of stockpiles of Districts Nos. 9, 10 and 11 coals up to 90 days' supply, assurance is given that when it becomes necessary to reinstate a specific Stock Limitation Table for these coals so long as any industrial consumer has a stockpile containing not less than 40 nor more than 90 days' supply he will not be required to draw down at a greater rate than any other industrial consumer having a stockpile containing 40-90 days' supply; and that any industrial consumer who has less than 40 days' supply, or who has reduced his stockpile to less than 40 days' supply, may be required to draw down his stockpile at a different rate than those who continue to have in excess of a 40 days' supply.

When the specific Stock Limitation Table is reinstated, the rate of draw down on industrial consumers' stocks above 90 days may be and is likely to be considerably greater than the rate of draw down on stocks within the range of 40 to 90 days' supply.

Those industrial consumers who fail to utilize to the full existing facilities and opportunities to stock coal from these districts are likely to experience difficulty in obtaining an adequate fuel supply after the Stock Limitation Tables are reinstated.

(d) On or before the 10th day of each month, the Advisory Boards for the producing districts subject to this section, the Lake Dock Coal Advisory Committee and the Tidewater Dock Coal Advisory Committee shall recommend in writing to the Solid Fuels Administrator for War such variations in the Stock Limitation Table as they deem appropriate in order

to meet production and distribution problems.

§ 602.173 Voluntary efforts to level industrial consumers' stocks; information concerning non-cooperative consumers. This section is suspended until further action by the Solid Fuels Administration for War.

§ 602.174 Restrictions on shipment to industrial consumers unless orders comply with § 602.172 and are submitted on time and contain certain information.

(a) Except as provided or permitted by paragraphs (b), (c), and (d) of this section and by § 602.178 of this regulation, producers and wholesalers and retail dealers are prohibited from shipping bituminous coal to an industrial consumer on any order during any calendar month by any method or combined methods of transportation unless:

(1) The order for coal produced in Districts 1-13, inclusive, except District 12, has been received on or before the 24th day of the preceding calendar month, or the order for coal produced in Districts Nos. 12 and 14-23, inclusive, has been received on or before the 30th day of the preceding calendar month; and

(2) The order is not for an amount of coal in excess of the amount permitted to be ordered in accordance with the Stock Limitation Table contained in § 602.172 and other provisions of this regulation; and

(3) The written order or confirmation of the order contains or is amended to contain the following information and a statement that such information is correct:

(i) Separately by uses the specific number of tons ordered from the producer or wholesaler with whom the order is placed;

(ii) Separately by uses the estimated days' supply of the plant as of the last day of the calendar month during which the order is placed; and in the case of a railroad system, separately by uses, the estimated days' supply of coal produced in Districts 1 to 4, inclusive, 6, 7, 8 and 13; and the estimated days' supply of coal produced in all other districts and Canada.

(iii) Separately by uses the monthly consumption requirements of the plant; and in the case of a railroad system separately the monthly consumption requirements of coals produced in Districts Nos. 1 to 4, inclusive, 6, 7, 8 and 13 coals and the monthly consumption requirements of coals produced in other districts.

(iv) Separately by uses and groups of districts the total tonnage of coal ordered from Districts Nos. 1 to 4, inclusive, 6 and 13 (Group I); and from Districts Nos. 7 and 8 (Group II); and from all other districts and Canada (Group III) for delivery to the plant (or railroad system) during the same calendar month from all suppliers of bituminous coal.

(b) Any person who orders and receives from a commercial dock, in a retail dealer transaction, in excess of 2400 tons of coal per year shall indicate in his

first order served upon each supplier of bituminous coal subsequent to May 1, 1944, separately by kinds and sizes his inventory of coal as of May 1, 1944. Such persons, as well as others, are required to comply with the provisions of Regulation No. 21.

(c) Compliance with the provisions of this section may be temporarily excused by any Area Distribution Manager only to the extent it appears necessary to permit the shipment or receipt of coal to meet emergency situations likely to result in hardship to any person who has not wilfully violated any of the provisions of this regulation.

(d) Notwithstanding the provisions of this section or of § 602.172, industrial consumers should make every reasonable effort to make known to producers and wholesalers that they are ready, willing and able to accept coal in addition to the amount ordered to the extent that such coal is available and offered in accordance with the provisions of § 602.178.

(e) The provisions of this section shall not apply to an order for vessel or bunker fuel, to an order from any purchaser who does not order for delivery during the calendar month and will not receive during the calendar month from all sources combined more than 50 tons or one carload of bituminous coal, or an order of the War Department, Navy Department, War Shipping Administration, Maritime Commission, Office of Lend-Lease Administration, or Office of Economic Warfare.

(f) Producers and wholesalers are prohibited from shipping bituminous coal on any order of a wholesaler unless the order contains the names and locations of the customers of the wholesalers and the information required to be submitted to the wholesaler by the wholesaler's customer (industrial consumer) under subparagraph (3) of paragraph (a) of this section; *Provided, however,* That the provisions of this paragraph shall not apply (i) to an order of a commercial dock operator with respect to coal not segregated and earmarked for a particular industrial consumer for shipment to the commercial dock by rail, lake, tidewater, or river, or (ii) to an order for shipment to a lower lake dumping port or to a tidewater dumping port if the coal is not segregated and earmarked for transshipment to a specific industrial consumer, or (iii) to an order received by a commercial dock operator located on Lake Superior, or on the west bank of Lake Michigan north of, and including Waukegan, Illinois.

§ 602.175 Reports by producers, commercial dock operators, and lake or tidewater forwarders. (a) Each producer in Districts Nos. 1 to 13, inclusive, except Districts Nos. 5 and 12, and each commercial dock operator, lake or tidewater forwarder shall report before the last day of each month preceding the calendar month of shipment and each producer in Districts Nos. 12 and 14 to 23, inclusive, shall report on or before the fifth day of the month of shipment on Form SFA No. 79 to be supplied by the Solid Fuels

Administration for War (with the co-operation of the Advisory Boards which have agreed to help make proper distribution of such form): (1) any information which has been furnished to him by industrial consumers, wholesalers or other persons pursuant to this regulation; (2) the tonnage which is expected to be shipped during the month on each order received; (3) separately, by sizes, the total tonnage expected to be produced; (4) separately, by sizes, the tonnage expected to be produced and for which the producer has no orders on hand; (5) separately, by sizes, the total tonnage to be shipped to Federal agencies or Departments; and (6) such other information as is required to be set forth on Form SFA 79 as revised by such amendments or instructions relating thereto as have been or may be issued, and approved by the Bureau of the Budget. Such reports as may be required from commercial dock operators, lake or tidewater forwarders shall be filed with the Solid Fuels Administration for War, Washington 25, D. C., and such reports as may be required from producers may be filed, at the address specified in Appendix A, annexed hereto and made part hereof, with the Area Distribution Manager of the Solid Fuels Administration for War for the district in which the mine is located.

(b) The Area Distribution Manager shall make available to designated representatives of the appropriate Bituminous Coal Producers Advisory Board any information contained in the reports required to be filed by producers and wholesalers under this section. Such information shall be deemed to be confidential and is not to be compiled, abstracted, or disclosed by the Area Distribution Manager, any member of the Advisory Board, or any other person, except in so far as is necessary to accomplish the purposes of this regulation, or as authorized by the Solid Fuels Administration for War.

§ 602.176 Industrial consumer requests for assistance in securing and maintaining stocks. Any consumer who has been informed by a producer or a wholesaler that an order cannot be filled to the extent permitted by § 602.172 of this regulation, shall endeavor to secure coal from other suppliers and may request assistance in obtaining coal by filing a request in writing with the Area Distribution Manager for the area from which the consumer normally obtains coal. The request for such assistance shall be filed in duplicate and shall be accompanied by a copy of the order or orders not expected to be filled and a copy of the order or orders, prepared in strict conformity with this regulation, which he desires to serve upon any producer or wholesaler designated by the Area Distribution Manager as having available a supply of coal. The Area Distribution Manager shall, upon receipt of an application pursuant to this section, transmit one copy thereof to the appropriate Bituminous Coal Producers

Advisory Board, which shall forthwith consult with the Area Distribution Manager and shall transmit to him in writing its recommendation concerning the sources of supply which will be voluntarily available to the applicant in the event the applicant voluntarily places appropriate orders with such sources of supply. The Advisory Board and the Area Distribution Manager may recommend to the Solid Fuels Administrator for War the issuance of such directions as appear to be appropriate for the purpose of securing for any applicant, pursuant to this section, coal sufficient to meet such applicant's requirements, to the extent permitted by § 602.172 and other specified factors taken into account by the Advisory Board or the Area Distribution Manager.

A consumer who is doubtful as to which Area Distribution Manager or Managers he should apply, may request the Solid Fuels Administrator for War, Washington 25, D. C., for assistance.

§ 602.177 Prohibited operating practices. No preparation, sizing or crushing of coal shall be engaged in by any person in order to avoid fulfilling any order of an industrial consumer served in accordance with this regulation, or any order of a retail dealer.

§ 602.178 Joint responsibility of industrial consumer and producer to assure that production is in no event curtailed. Notwithstanding any other provision of this regulation, no producer is required to curtail his production by reason of this regulation. In the event a producer does not have adequate orders on which shipments may be made consistent with this regulation during any calendar week, he shall arrange to the extent necessary in order to permit operation of the mine without curtailment, for the distribution of surplus coal during that calendar week; and it is the joint responsibility of industrial consumers and producers to take all steps necessary to assure that the operation of no mine is curtailed for the lack of adequate orders. If a producer expects to have surplus coal which he cannot dispose of under voluntary arrangements with purchasers in accordance with this section, he shall forthwith notify the Area Distribution Manager for his district concerning the situation.

§ 602.179 Representations. (a) All statements required by this regulation to be contained in written orders and confirmations of orders, as well as those to be contained in reports to be filed with Area Distribution Managers, shall be deemed made to the Solid Fuels Administrator for War. Producers and wholesalers shall, on behalf of the Solid Fuels Administrator for War, keep and preserve for a period of not less than two years all written orders and confirmations of orders served upon them containing the statements required by this regulation. These orders and confirmations required to be kept by this regulation shall, upon request, be submitted for

inspection, copy, and audit by the duly authorized representatives of the Solid Fuels Administrator for War.

(b) The producer, wholesaler or retail dealer may rely upon any statement made by a purchaser pursuant to this regulation.

§ 602.180 Damages for breach of contract. No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with this regulation.

§ 602.181 Violations. Any person who violates any provision of this regulation or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who wilfully certifies false or misleading information to the Solid Fuels Administrator for War, or any person who obtains a delivery of bituminous coal by means of a wilfully false or misleading statement, may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administration for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. sec. 80) or under the Second War Powers Act (Public No. 507, 77th Cong., March 27, 1942).

§ 602.182 Application for modification and exception; inquiries and communications. (a) It is recognized that the Stock Limitation Table and other provisions of § 602.172 of this regulation indicating the maximum percentages of bituminous coal consumption requirements that may be ordered and received by industrial consumers should be deviated from because of conditions peculiar to an individual plant (or railroad system). Any industrial consumer who desires to order and receive a greater percentage of his consumption requirements of coal for certain uses at a plant (or railroad system) may submit an original and two copies of an application in writing to the Area Distribution Manager for the area from which the consumer normally obtains coal for permission properly to order and receive delivery of coal at such plant (or railroad system) in amounts in excess of those permitted by the Stock Limitation Table or other provisions of § 602.172 of this regulation. The application shall set forth all data, including, among other matters, the inability of the consumer efficiently to draw coal from stocks at the plant (or railroad system); the specific hazards involved in the transportation of coal from mines to his plant (or railroad system); the distance of the plant (or railroad system) from sources of supply; and climatic or other conditions relied upon by the consumer in support of his application. The application shall clearly state whether and in what respect the consumer believes his situation with respect to coal differs from that of other consumers in the same or in different localities. The Area Distribu-

FEDERAL REGISTER, Tuesday, April 25, 1944

tion Manager shall transmit one copy of such an application to the Bituminous Coal Producers Advisory Board for the district from which the consumer normally obtains coal. After consultation with the appropriate Advisory Board, the Area Distribution Manager shall make appropriate recommendations to the Solid Fuels Administrator concerning the action to be taken with respect to each application.

(b) Any application by any person, including a retail dealer, for modification of or exception from any provision of this regulation shall be filed in triplicate with the Washington Office of the Solid Fuels Administration for War. The application shall set forth, in detail, the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such modification or exception.

§ 602.183 Approval by Bureau of the Budget. The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 602.184 Action under other regulations. Nothing contained in this regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1 or under any other regulation.

§ 602.185 Solid Fuels Administration for War Regulation No. 10 and amendments thereto superseded. All provisions (including § 602.174) of Solid Fuels Administration for War Regulation No. 10 (8 F.R. 15773) and amendments thereto are superseded by this regulation except that provisions governing permissible coal shipments or limitations upon coal shipments shall remain in effect until May 1, 1944.

This regulation shall become effective forthwith except that provisions governing permissible coal shipments or limitations upon coal shipments shall apply only in respect to shipments on or after May 1, 1944.

Issued this 20th day of April 1944.

HAROLD L. ICKES,
Administrator.

APPENDIX A—LOCATIONS OF OFFICES OF AREA DISTRIBUTION MANAGERS, SOLID FUELS ADMINISTRATION FOR WAR

District No.:	Area Distribution Manager
1	J. N. Geyer, Post Office Bldg., 11th Ave. and 12th St., Altoona, Pa.
2	Henry A. Sutter, 1512-23 Henry W. Oliver Bldg., Pittsburgh 22, Pa.
3	Frank C. Shriver, Monroe and Meredith Sts., Fairmont, W. Va.
4 and 6	Howard A. Smith, 501 Bulkley Bldg., Cleveland, Ohio.
7	Daniel J. Carroll, Law & Commerce Bldg., Bluefield, W. Va.
8	Wayne P. Ellis, 600 Transportation Bldg., Cincinnati 2, Ohio.

APPENDIX A—LOCATIONS OF OFFICES OF AREA DISTRIBUTION MANAGERS, SOLID FUELS ADMINISTRATION FOR WAR—Continued

District No.—Con.	Area Distribution Manager
9	Harry Rightmire, 125 South Main St., Dulin Bldg., Madisonville, Ky.
10	J. C. Fitzpatrick, 1161 Merchandise Mart, 222 West North Bank Dr., Chicago, Ill.
11	William G. Stockton, Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis 4, Ind.
12, 14, and 15	F. I. Halstead, New York Life Bldg., 16-24 West 9th St., Kansas City, Mo.
13	Howard J. Thomas, 803 Comer Bldg., 2026 Second Ave. No., Birmingham, Ala.
16, 17, 18, 19, 20, 22, and 23	J. E. Parker, Salt Lake City, Utah.

[F. R. Doc. 44-5704; Filed, April 21, 1944; 12:04 p. m.]

**TITLE 31—MONEY AND FINANCE:
TREASURY**

Chapter I—Monetary Offices, Department of the Treasury

[Public Circular 7B]

APPENDIX B—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REMITTANCES TO SWITZERLAND UNDER GENERAL LICENSE NO. 32

APRIL 22, 1944.

Public Circular No. 7B under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

(1) Reference is made to General License No. 32 relating to remittances for necessary living expenses.

(2) Notwithstanding the provisions of paragraph (1) (c) of General License No. 32, any remittance pursuant to such general license to a payee within Switzerland may be effected only by the payment of the dollar amount of the remittance to a domestic bank for credit to a blocked account in the name of a banking institution within Switzerland.

(Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, Ex. Order 8832, July 26, 1941, Ex. Order 8963, Dec. 9, 1941, and Ex. Order 8998, Dec. 26, 1941; Ex. Order 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-5729; Filed, April 22, 1944; 9:44 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (55 Stat. 863), as amended, §§ 301.2 (h), 301.9 (a), 301.10 (a), 301.10 (c), and 301.23 (a) of the regulations under the Federal Explosives Act heretofore promulgated¹ are hereby amended as follows:

Section 301.2 (h) is amended to read as follows:

§ 301.2 Definitions. * * *

(h) The term "regional officer" means any supervising engineer or any engineer in charge at any district or subdistrict office, respectively, of the Health and Safety Service of the Bureau of Mines.

Section 301.9 (a) is amended by deleting from the first and third sentences of the second paragraph the words "or a duplicate."

Section 301.10 (a) is revoked.

Section 301.10 (b) is amended by inserting the following sentence between the first and second sentences:

§ 301.10 Copies of licenses. * * *

(b) **Certificate copies of licenses.** * * *

If the original license has been lost, destroyed, or stolen, and the licensing agent who issued it has resigned, died, or been removed, the application shall be addressed to his successor, or, if his successor does not have the original records, to the Director.

Section 301.10 (c) is amended by changing the first sentence to read as follows:

§ 301.10 Copies of licenses. * * *

(c) **Photographic copies of licenses.** Copies of a license, clear and distinct, and of the same size as the license, may be made by licensees by any method of photographic reproduction and used by them in lieu of certified copies, without any application to or certification by any issuing officer.

Section 301.23(a) is amended by changing the third sentence to read as follows:

§ 301.23 Reissuance of expired licenses—(a) Applications for annual reissuance of licenses. * * *

An application for a reissued license need not be accompanied by the qualification affidavits referred to in § 301.7 (g) if the application is made prior to the expiration, termination, or revocation of the license sought to be reissued, unless the licensing agent or the Director, in his discretion, requests that qualification affidavits be again furnished.

R. R. SAYERS,
Director.

Approved: April 21, 1944.

MICHAEL W. STRAUS,
Assistant Secretary,
Department of the Interior.

[F. R. Doc. 44-5772; Filed, April 24, 1944; 10:54 a. m.]

¹7 F.R. 305 1103, 1976, 3876, 4758, 5901, 8175, 9606; 8 F.R. 1343, 3080, 4141, 15313; 9 F.R. 1502, 3006, 4130.

Chapter VI—Selective Service System

[Amendment 221, 2d Ed.]

PART 622—CLASSIFICATION

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 622.12 to read as follows:

§ 622.12 *Class I-A-O: Available for noncombatant military service; conscientious objector.* In Class I-A-O shall be placed every registrant who would have been classified in Class I-A but for the fact that he has been found, by reason of religious training and belief, to be conscientiously opposed to combatant military service in which he might be ordered to take human life, but not conscientiously opposed to noncombatant military service in which he could contribute to the health, comfort, and preservation of others.

2. Amend the regulations by deleting § 622.13 in its entirety.

3. Amend the regulations by deleting § 622.14 in its entirety.

4. Amend § 622.15 to read as follows:

§ 622.15 *Class I-C: Member of land or naval forces of United States.* (a) In Class I-C shall be placed or retained:

(1) Every registrant who is, or who by induction, enlistment, or appointment becomes, a commissioned officer, warrant officer, field clerk, pay clerk, or enlisted man of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the federally recognized active National Guard, the Officers' Reserve Corps, the Army of the United States, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve (other than temporary), or any other branch or component of the land or naval forces; or

(2) Every registrant who is a cadet of the United States Military Academy, a midshipman of the United States Naval Academy, or a cadet of the United States Coast Guard Academy; or

(3) Every registrant who has been separated from the land or naval forces by death at any time; or

(4) Every registrant who has been separated from the land or naval forces by Honorable Discharge based on physical or mental disability; *Provided*, That if the local board finds that any such registrant is "making a contribution" to the war effort by reason of his occupation in support of the war effort, by reason of his occupation in war production, or by reason of being engaged in an agricultural occupation or endeavor, he shall not be classified in Class I-C but shall be classified in Class II-A under § 622.21, in Class II-B under § 622.22, or in Class II-C under § 622.25-1, as the case may be. The classification of such registrant classified in Class I-C may be reopened and he may be placed in a

class immediately available for service under the provisions of Part 623.

(5) When the local board receives authentic information that a registrant is in the land or naval forces, he shall be classified in Class I-C without regard to the manner in which he entered such land or naval forces.

5. Amend § 622.21 to read as follows:

§ 622.21 *Class II-A: Man supporting war effort.* (a) In Class II-A shall be placed any registrant found to be a "necessary man" in support of the war effort.

(b) In Class II-A shall be placed any registrant who by reason of his occupation is found to be "making a contribution" in support of the war effort and who is:

(1) Age 38 or over, or

(2) Age 18 through 37, and

(i) Who is found to be qualified for limited military service only, or

(ii) Who is found to be disqualified for any military service. (This shall be deemed to include every registrant who would be placed in Class I-C, Class IV-C, or in Class IV-F if it were not for the fact that he qualifies for classification in Class II-A under the provisions of this section.)

6. Amend § 622.22 to read as follows:

§ 622.22 *Class II-B: Man in war production.* (a) In Class II-B shall be placed any registrant found to be a "necessary man" in war production.

(b) In Class II-B shall be placed any registrant who by reason of his occupation is found to be "making a contribution" to war production and who is:

(1) Age 38 or over, or

(2) Age 18 through 37, and

(i) Who is found to be qualified for limited military service only, or

(ii) Who is found to be disqualified for any military service. (This shall be deemed to include every registrant who would be placed in Class I-C, Class IV-C, or in Class IV-F if it were not for the fact that he qualifies for classification in Class II-B under the provisions of this section.)

7. Amend § 622.22-1 to read as follows:

§ 622.22-1 *Certain procedure must be followed to entitle Federal Government employees to Class II-A or Class II-B deferment.* No registrant employed in or under the Federal Government shall be retained or placed in Class II-A or Class II-B unless a request for his deferment shall have been made in accordance with the provisions of (1) Public Law 23, 78th Congress, approved April 8, 1943, and (2) Executive Order No. 9309, dated March 6, 1943.

8. Amend the regulations by adding a new section to be known as § 622.22-2 to read as follows:

§ 622.22-2 *Length of deferments in Class II-A and Class II-B.* (a) Class II-A and Class II-B deferments shall be for a period of six months or less. If there is a change in the registrant's status during the period of deferment in Class II-A or Class II-B, his classifica-

tion shall be reopened and considered anew.

(b) At the expiration of the period of a registrant's deferment in Class II-A or Class II-B, his classification shall be reopened and he shall be classified anew. The registrant should be continued in Class II-A or Class II-B for a further period of six month or less if such classification is warranted. A registrant, age 18 through 37 (other than a registrant who has been found to be disqualified for any military service or to be qualified for limited military service only) shall not be continued in Class II-A or Class II-B unless the local board finds that his employer has made a reasonable but unsuccessful effort to secure or train a replacement for the registrant during the period of deferment. The same rules shall apply when again classifying a registrant at the end of each successive period for which he has been classified in Class II-A or Class II-B.

9. Amend § 622.24 to read as follows:

§ 622.24 *"Necessary man" defined.* A registrant shall be considered a "necessary man" only when all of these conditions exist: (1) He is, or but for a seasonal or temporary interruption would be, engaged in war production or in support of the war effort; (2) his removal would cause a serious loss of effectiveness therein; (3) he cannot be replaced; and (4) he meets such other conditions and qualifications as may be prescribed from time to time by the Director of Selective Service.

10. Amend the regulations by deleting § 622.25 in its entirety.

11. Amend § 622.25-1 to read as follows:

§ 622.25-1 *Class II-C: Man in agriculture.* (a) In Class II-C shall be placed any registrant who is found to be "necessary to and regularly engaged in" an agricultural occupation or endeavor essential to the war effort.

(b) In Class II-C shall be placed any registrant who by reason of being engaged in an agricultural occupation or endeavor is found to be "making a contribution" to the war effort and who is:

(1) Age 38 or over, or

(2) Age 18 through 37, and

(i) Who is found to be qualified for limited military service only, or

(ii) Who is found to be disqualified for any military service. (This shall be deemed to include every registrant who would be placed in Class I-C, Class IV-C, or in Class IV-F if it were not for the fact that he qualifies for classification in Class II-C under the provisions of this section.)

12. Amend the regulations by adding a new section to be known as § 622.25-2 to read as follows:

§ 622.25-2 *Length of deferments in Class II-C.* (a) Class II-C deferments shall be for a period of six months or less. If there is a change in the registrant's status during the period of deferment in Class II-C, his classification shall be reopened and considered anew.

(b) At the expiration of the period of a registrant's deferment in Class II-C, his classification shall be reopened. The registrant should be continued in Class II-C for a further period of six months or less if such classification is warranted. A registrant, age 18 through 37 (other than a registrant who has been found to be disqualified for any military service or to be qualified for limited military service only), shall not be continued in Class II-C unless the local board is satisfied that a satisfactory replacement is not available. The same rules shall apply when again classifying registrant at the end of each successive period for which he has been classified in Class II-C.

(c) When a registrant in Class II-C leaves an agricultural occupation or endeavor essential to the war effort, he shall be reclassified in Class I-A, Class I-A-O, or Class IV-E unless, before leaving such agricultural occupation or endeavor, he requests a determination and a determination is made that it is in the best interest of the war effort for him to leave such agricultural occupation or endeavor for other work.

(d) Any registrant in Class II-C may file with his local board a written request for a determination required under paragraph (c) of this section. When the registrant's board has made a determination upon such request, it shall advise him thereof in writing.

Deferred by Reason of Hardship

13. Amend the regulations by deleting § 622.31 in its entirety.
14. Amend the regulations by deleting § 622.31-1 in its entirety.
15. Amend the regulations by deleting § 622.31-2 in its entirety.
16. Amend the regulations by deleting § 622.31-3 in its entirety.
17. Amend § 622.32 by adding a new paragraph (c) to read as follows:

§ 622.32 *Class III-D: Men deferred by reason of extreme hardship and privation to wife, child, or parents.* * * *

(c) The term "parent" includes a person who is supported in good faith by the registrant in a relationship similar to that of child and parent.

18. Amend the regulations by deleting § 622.33 in its entirety.

19. Amend the center heading preceding § 622.36 to read as follows:

Director's Authority

20. Amend paragraph (a) of § 622.42 to read as follows:

§ 622.42 *Class IV-B: Official deferred by law and men relieved from liability for training and service.* (a) In Class IV-B shall be placed any registrant who is the Vice President of the United States, a Governor of a State, any other State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, a judge of a court of record of the United States or of a State; or who is a commissioned officer in the Coast and Geodetic Survey; or who is a commissioned officer of the Public Health

Service or the Public Health Service Reserve, whether on active duty or in an inactive status, who is not a member of the land or naval forces; or who is a cadet of the advanced course, senior division, of the Reserve Officers' Training Corps or the Naval Reserve Officers' Training Corps; or who has been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as a cadet or to the United States Naval Academy as a midshipman or to the United States Coast Guard Academy as a cadet, but only during the continuance of such acceptance; or who has not entered the armed forces of the United States or of a belligerent government and who by reason of the belligerent status of the United States or of a belligerent country is taken into custody or interned by the enemy or by the government of another country.

21. Amend § 622.43 to read as follows:

§ 622.43 *Class IV-C: Registrants not acceptable for training and service because of nationality or ancestry, neutral aliens requesting relief from training and service, aliens not acceptable to the armed forces or to the Director of Selective Service, and aliens who have departed and are not residing in the United States.* In Class IV-C shall be placed any registrant:

(a) Who is an alien and, because of his nationality or ancestry, is within a class of persons not acceptable under any circumstances to the land or naval forces for training and service or to the Director of Selective Service for work of national importance under civilian direction. The Director of Selective Service will advise local boards which classes of registrants are not acceptable under any circumstances.

(b) Who is an alien and who is a citizen or subject of a neutral country (see § 601.2) and who, at any time prior to (1) his induction into the land or naval forces of the United States, or (2) his assignment to work of national importance under civilian direction, files with his local board an Application by Alien for Relief from Military Service (Form 301) executed in duplicate. The local board shall forward the original of such form to the Director of Selective Service through the State Director of Selective Service and shall retain the duplicate in the registrant's Cover Sheet (Form 53).

(c) Who because he is an alien or because of his ancestry is, under procedure prescribed by the Director of Selective Service, found by the land or naval forces to be unacceptable for training and service or by the Director of Selective Service to be unacceptable for work of national importance under civilian direction.

(d) Who is an alien and has departed from and is no longer residing in the United States. Such alien shall be classified in Class IV-C even though he is a delinquent, but this classification shall in no way relieve him from liability for prosecution for violation of the selective service law. If any registrant so classi-

fied under this paragraph returns to the United States to reside therein, his classification shall be reopened and he shall be classified anew;

Provided, That if the local board finds that any such registrant is "making a contribution" to the war effort by reason of his occupation in support of the war effort, by reason of his occupation in war production, or by reason of being engaged in an agricultural occupation or endeavor, he shall not be classified in Class IV-C but shall be classified in Class II-A under § 622.21, in Class II-B under § 622.22, or in Class II-C under § 622.25-1, as the case may be.

22. Amend the regulations by deleting § 622.45 in its entirety.

23. Amend the regulations by deleting § 622.52 in its entirety.

24. Amend § 622.61 to read as follows:

Deferred by Reason of Being Unfit

§ 622.61 *Class IV-F: Morally unfit.*

(a) In Class IV-F shall be placed every registrant who, under procedures and standards prescribed by the land and naval forces, is found to be morally unacceptable for training and service or, under procedures and standards prescribed by the Director of Selective Service, is found to be morally unacceptable for assignment to work of national importance: *Provided*, That if the local board finds that any such registrant is "making a contribution" to the war effort by reason of his occupation in support of the war effort, by reason of his occupation in war production, or by reason of being engaged in an agricultural occupation or endeavor, he shall not be classified in Class IV-F but shall be classified in Class II-A under § 622.21, in Class II-B under § 622.22, or in Class II-C under § 622.25-1, as the case may be.

(b) The Director of Selective Service will keep the various elements of the Selective Service System advised of the procedures and standards referred to in paragraph (a) of this section.

25. Amend § 622.62 to read as follows:

§ 622.62 *Class IV-F: Physically or mentally unfit.* In Class IV-F shall be placed any registrant who is found to be physically or mentally unfit for service: *Provided*, That (1) if the local board finds that any such registrant is "making a contribution" to the war effort by reason of his occupation in support of the war effort, by reason of his occupation in war production, or by reason of being engaged in an agricultural occupation or endeavor, he shall not be classified in Class IV-F but shall be classified in Class II-A under § 622.21, in Class II-B under § 622.22, or in Class II-C under § 622.25-1, as the case may be, or (2) if the local board finds that such registrant has been separated from the land or naval forces by Honorable Discharge based on physical or mental disability and is not qualified for classification in Class II-A, Class II-B, or Class II-C, he shall not be classified in Class IV-F but shall be classified in Class I-C under § 622.15.

26. Amend § 622.81 to read as follows:

Certain Registrants Identified

§ 622.81 *Identifying classified registrants over 38 years of age and under 45 years of age.* Whenever a classified registrant has reached or hereafter reaches the thirty-eighth anniversary of the day of his birth and has not attained the forty-fifth anniversary of the day of his birth, he shall be identified in all records by following his classification with the letter "(H)." For example: If such registrant is in Class I-A, he shall be identified thus, "Class I-A(H)." If such registrant is in Class II-B, he shall be identified thus, "Class II-B(H)." The identification "(H)" shall be used for each such registrant regardless of his classification.

27. Amend § 622.82 to read as follows:

§ 622.82 *Identifying registrants qualified for limited service only.* When a selected man in Class I-A or Class I-A-O has been found qualified for limited service at the induction station but is not immediately inducted, he shall be identified in all records by following his classification with the letter "(L)" so long as he remains classified in Class I-A or Class I-A-O. While such registrant is retained in Class I-A, he shall be identified thus, "Class I-A(L)." While such registrant is retained in Class I-A-O, he shall be identified thus "Class I-A-O (L)."

28. Amend the regulations by adding a new section to be known as § 622.83 to read as follows:

§ 622.83 *Identifying certain registrants in Class II-A, Class II-B, and Class II-C.* When a registrant who has been found to be disqualified for any military service or to be qualified for limited military service only is classified in Class II-A, Class II-B, or Class II-C, he shall be identified by following his classification in the "Remarks" column of the Classification Record (Form 100) and on the Local Board Action Report (Form 110) with the letter "(F)" if he has been found disqualified for any military service or with the letter "(L)" if he has been found to be qualified for limited military service only.

29. Amend the regulations by adding a new section to be known as § 622.84 to read as follows:

§ 622.84 *Identifying certain registrants in Class I-C.* Whenever a registrant is retained or placed in Class I-C because he has been separated from the land or naval forces by Honorable Discharge based on physical or mental disability, he shall be identified by following his classification in Class I-C in the "Remarks" column of the Classification Record (Form 100) and on the Local Board Action Report (Form 110) with the letter "(F)." While such registrant is retained in Class I-C, he shall be identified thus, "Class I-C (F)."

30. Amend the regulations by adding a new section to be known as § 622.85 to read as follows:

§ 622.85 *Identifying a man whose registration is canceled.* Whenever the registration of a registrant is canceled, the local board shall enter the abbreviation "Canc." on all of its records with reference to such registrant.

31. Amend the regulations by adding a new section to be known as § 622.86 to read as follows:

§ 622.86 *Identifying registrants who are deceased.* Whenever a registrant dies, the local board will enter the abbreviation "Dec." on all of its records with reference to such registrant except that a registrant in Class I-C who dies will not be shown on Local Board Action Report (Form 110) as "Dec."

32. Amend the regulations by adding a new section to be known as § 622.87 to read as follows:

§ 622.87 *Classes discontinued.* (a) The following classes have been discontinued effective on the date shown opposite each class:

Class I-B	August 18, 1942.
Class I-B-O	August 18, 1942.
Class I-D	August 31, 1941.
Class I-D-O	August 31, 1941.
Class I-E	August 31, 1941.
Class I-E-O	August 31, 1941.
Class I-H	November 19, 1942.
Class III-A	December 11, 1943.
Class III-B	April 12, 1943.
Class III-C	February 17, 1944.
Class IV-E-H	December 24, 1941.
Class IV-E-LS	August 18, 1942.
Class IV-E-S	August 31, 1941.
Class IV-H	March 6, 1943.

(b) The classification of all registrants who are in classes (other than Class III-A and Class III-C) which have been or are hereafter discontinued shall be immediately reopened and they shall be classified anew.

(c) The classification of all registrants who are in the discontinued classes of Class III-A and Class III-C shall be reopened and such registrants shall be classified anew at the time and in such manner as has been or will be prescribed by the Director of Selective Service.

(d) Until registrants in Class III-C have been reclassified, they shall be subject to the provisions of paragraphs (c) and (d) of § 622.25-2 to the same extent as though they were in Class II-C.

(54 Stat. 885; 50 U.S.C., App., 301-318)

The foregoing amendments to the Selective Service Regulations shall be effective within the Continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the Continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

APRIL 20, 1944.

[F. R. Doc. 44-5707; Filed, April 21, 1944;
2:36 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 238 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3866, 3896; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-84 as Amended Apr. 5, 1944, Amdt. 1]

CORDAGE YARN, CORDAGE FIBER AND CORDAGE

Section 3290.221 *General Conservation Order M-84* is amended as follows: In paragraph (d) (1), delete "and" which precedes subdivision (iii);

Change subdivision (iii) to (iv), and add as a new subdivision (iii):

(iii) Wrapping or tying twine from a blend of agave sisalana tow with palma or tula istic or with both; and

Issued this 21st day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5726; Filed, April 21, 1944;
4:58 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIAL PLAN

[CMP Reg. 5, Direction 2, as Amended Apr. 22, 1944]

STEEL SHOE WIRE

The following direction is issued pursuant to CMP Regulation 5.

Steel wire and staples used in making footwear shall be treated as an operating supply under CMP Regulation No. 5 regardless of whether, under the particular manufacturer's accounting practice, such steel wire and staples are charged to operating expenses. Accordingly, manufacturers of footwear should obtain steel wire and staples in the manner provided in CMP Regulation No. 5 and should not file applications for allotments of it or for a preference rating. This applies to steel toe lasting wire, steel staple wire, steel grip tacker wire, steel slugging wire, steel taper nail wire and steel wire used for similar purposes as well as all types of steel staples.

Issued this 22d day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5750; Filed, April 22, 1944;
11:53 a. m.]

PART 3302—SERVICE EQUIPMENT

[Conversion Order L-54-a as Amended Sept. 20, 1943, Amdt. 1]

TYPEWRITERS

Section 3302.6 *Conversion Order L-54-a*, as amended September 20, 1943, is further amended in the following respects:

By deleting paragraph (b) (3).

By deleting paragraph (g).

By inserting the words "from manufacturers only" in paragraph (h) (1) in place of the words "only as authorized by the Office of Price Administration in accordance with the terms of Supplementary Directive 1D, or".

Issued this 22d day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5764; Filed, April 22, 1944;
4:43 p. m.]

PART 1029—FARM MACHINERY

[Limitation Order L-257, Direction 1]

CUT-AWAY DISCS

The following direction is issued pursuant to Limitation Order L-257:

(a) Until further notice, no disc producer may manufacture "cut-away" disc or coulter blades for farm machinery and equipment (including repair parts), except:

1. To the extent necessary to fill orders for cut-away disc blades over 20" diameter which the disc producer knows are needed for "brush and bog" harrows or repairs therefor, or which his customers certify to him are needed for this purpose; or

2. Any cut-away disc or coulter blades which are in the process of manufacture on April 24, 1944.

(b) If any order of a farm machinery producer for cut-away discs cannot be filled because of this direction, he may place a substitute order for an equivalent tonnage (or less) of standard discs without losing his place on the disc producer's schedule.

(c) As used in this direction, "disc producer" means any person who makes agricultural disc or coulter blades from primary forms or shapes of steel, such as billets or sheets.

Issued this 24th day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5794; Filed, April 24, 1944;
11:32 a. m.]

PART 1157¹—CONSTRUCTION MACHINERY

[Limitation Order L-217, as amended Apr. 24, 1944]

**CONSTRUCTION MACHINERY AND EQUIPMENT
SIMPLIFICATION AND CONSERVATION**

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used in the production of construction machinery and equipment and repair parts for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

**§ 1157.20¹ Limitation Order L-217—
(a) Issuance of schedules for simplification of lines and conservation of materials.** The War Production Board may from time to time issue schedules to this order establishing conservation of materials and simplified practices with respect to types, sizes, forms, specifications, or other qualifications for construction ma-

chinery and equipment or parts thereof. From and after the effective date of any such schedules, no such products or materials shall be produced, fabricated, processed or assembled except in conformity with the issued schedules and except as specifically permitted by any such schedules. Any schedule issued pursuant hereto may also contain any other restrictions concerning such materials and products that may be deemed necessary and appropriate, such as restrictions on the sale, purchase, transfer, delivery or uses thereof.

(b) *Applicability of priorities regulations.* This order and any schedules thereto and all transactions affected thereby are subject to all applicable priorities regulations of the War Production Board, as amended from time to time.

(c) *Records.* All persons affected by this order, or any schedule issued pursuant hereto, shall keep and preserve for not less than two years accurate and complete records concerning orders, inventories, production, sales and deliveries.

(d) *Audit and inspection.* All records required to be kept by this order, shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Reports.* All persons affected by this order, or any schedule issued pursuant hereto, shall file such reports as may be required from time to time by the War Production Board, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Violations.* Any person who wilfully violates any provision of this order, or any schedule thereto, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Appeal.* Any appeals from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. The letter should be filed with the field office of the War Production Board in the district in which is located the plant or branch of the appellant to which the appeal relates.

(h) *Communications.* All reports to be filed and other communications concerning this order shall be addressed to War Production Board, Construction Machinery Branch, Washington 25, D. C., Ref: L-217.

Issued this 24th day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5796; Filed, April 24, 1944;
11:32 a. m.]

PART 1157—CONSTRUCTION MACHINERY¹

[Limitation Order L-217, Schedule V, as Amended Apr. 24, 1944]

PORTABLE CONSTRUCTION CONCRETE MIXERS

§ 1157.25¹ Schedule V to Limitation Order L-217—(a) Definitions. For the purposes of this Schedule V:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of portable construction concrete mixers.

(3) "Portable construction concrete mixer" means any concrete mixer manufactured to mix concrete in batches of 3½ cubic feet to 14 cubic feet inclusive.

(4) "Repair part" means any part manufactured for use in the repair of portable construction concrete mixers.

(5) "Running gear" means the mounting for portable construction concrete mixers such as truck wheels or skids.

(6) "Accessories and attachments" means any equipment regularly sold by a producer to be used in conjunction with the operation of a portable construction concrete mixer, but shall not include power units.

(b) *Limitation on production.* (1) On and after March 15, 1943, no producer shall put into process any materials for the manufacture of portable construction concrete mixers, running gear, or accessories and attachments which do not conform to the sizes and types established in paragraphs (c), (d) and (e) hereof. Nothing in this paragraph (b) (1) shall be deemed to prohibit the use of any such materials which may have been in transit to such producer or in process by him on that date.

(2) Nothing in this schedule shall be deemed to restrict the production of repair parts.

(c) *Limitation on sizes and types of portable construction concrete mixers.* Producers are limited to the following sizes and types of portable construction concrete mixers:

(1) 3½ cubic feet, tilting drum type.

(2) 7 cubic feet, two opening drum type.

(3) 10 cubic feet, two opening drum type.

(4) 14 cubic feet, two opening drum type.

(d) *Limitation on sizes and types of running gear.* Producers are limited to the following sizes and types of running gear:

(1) Side discharge on two-wheel mounting for 3½ cubic feet size of portable construction concrete mixer.

(2) End discharge on two wheel mounting for 7 cubic feet and 10 cubic feet sizes of portable construction concrete mixers (except to fill orders placed by or for the account of the Army, Navy,

¹ Formerly Part 3115, § 3115.1.

¹ Formerly Part 3115, § 3115.6.

Maritime Commission or War Shipping Administration).

(3) End discharge on four wheel mounting for 14 cubic feet size of portable construction concrete mixer (except to fill orders placed by or for the account of the Army, Navy, Maritime Commission or War Shipping Administration).

(4) Skid mounting for 7, 10 and 14 cubic feet sizes of portable construction concrete mixers.

(e) *Limitation on sizes and types of accessories and attachments.* Producers are limited to the following sizes and types of accessories and attachments:

(1) Power loading skip for the 7, 10 and 14 cubic feet portable construction concrete mixers.

(2) Skip shaker for the 7, 10 and 14 cubic feet portable construction concrete mixers.

(3) Water measuring tank for the 7, 10 and 14 cubic feet portable construction concrete mixers.

(4) Batch meter for the 7, 10 and 14 cubic feet portable construction concrete mixers.

(5) Auxiliary water pump for the 7, 10 and 14 cubic feet portable construction concrete mixers.

(6) Gated batch-hopper for the 14 cubic feet portable construction concrete mixer only.

(7) Auxiliary hoist for the 14 cubic feet portable construction concrete mixer only.

(f) *Limitation on painting.* On and after March 15, 1943, no producer shall use striping or trimming on portable construction concrete mixers, nor use more than one color finish coat paint on any one mixer and its repair parts if painted. Nothing in this paragraph (f) shall be deemed to require the repainting of any mixers or repair parts in any such producer's inventory on March 15, 1943.

(g) *Limitation on mudguards and fenders.* On and after March 15, 1943, no producer shall put into process any metal in the manufacture of mudguards or fenders for portable construction concrete mixers except for supporting brackets, nor use any metal for streamlining except when required for structural strength or for safety. Nothing in this paragraph (g) shall be deemed to prohibit the use of any metal which may have been in transit to such producer or in process by him on that date.

(h) *Restrictions on producers.* No person, unless actively engaged in the current production of portable construction concrete mixers (as indicated by his January, 1943 filing of production and shipment schedules on form PD-697, pursuant to Limitation Order L-192) shall thereafter enter into the production thereof.

Issued this 24th day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5797; Filed, April 24, 1944;
11:32 a. m.]

PART 3270—CONTAINERS

[Order M-290, Direction 2]

PRODUCTION OF V-BOXES

The following direction is issued pursuant to Order M-290:

(a) *Purpose.* This direction is issued in order to insure timely production of V-boxes and to reduce the current excessive backlog of orders for these containers. V-boxes are defined in paragraph (g) of Order L-317 as amended March 23, 1944.

(b) *Restrictions on use of solid fibre container production equipment.* No person shall use solid fibre container production equipment to make anything but V-boxes at any time when he has any unfilled orders for V-boxes on hand.

(c) *Use of solid fibre container production equipment to produce V-boxes.* All persons are directed to use all of their solid fibre container production equipment to the fullest extent to fill all V-box orders which they may have on hand at any time, regardless of the preference ratings on other orders for solid fibre containers which they may then have on hand.

(d) *Scheduling of solid fibre container orders on which specifications are changed.* If a person has unfilled rated orders for solid fibre containers other than V-boxes, and the specifications on them are changed to call for corrugated rather than solid fibre containers, he shall not treat them as new orders, but as orders received on the date the original rated order for solid fibre containers was received.

(e) *Applicability of regulations.* All applicable provisions of the regulations of the War Production Board as amended from time to time remain fully applicable to the production of solid and corrugated fibre containers except as they are specifically modified by this direction.

(f) *Modification of this direction and requests for procurement of V-board.* This direction may be modified by the War Production Board from time to time with respect to specific container manufacturers. Any person who does not have sufficient V-board to run V-box orders which he has on hand should promptly advise the Fibre Box Section, Paperboard Division, War Production Board, Washington 25, D. C.

Issued this 24th day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5795; Filed, April 24, 1944;
11:32 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-138, as Amended
Apr. 21, 1944]

ISTLE

§ 3290.261 Conservation Order M-138—(a) *Definitions.* For the purposes of this order:

(1) "Istle" means any raw istle and spinnable waste istle.

(2) "Raw istle" means unprocessed istle, including the types or grades commonly known as juamave, tula, palma, pita and yucca, and including all so-called selected grades of such istle or any type of crude istle or yucca which has not been hackled, cut or otherwise commercially prepared.

(3) "Spinnable waste istle" means hacklings and combings obtained from the hackling or combing of raw istle in the preparation of brush fiber, but excluding unspinnable waste istle.

(4) "Unspinnable waste istle" means the cuttings and trimmings not over three inches in length obtained in the cutting and trimming of istle for brush manufacture, hacklings or combings polished, dyed, or otherwise made unspinnable, the card waste and other waste obtained in spinning either raw istle or spinnable waste istle, and including used istle bale covering.

(5) "Istle product" means any product processed from raw istle, alone or in combination with other fibers, including but not limited to, dressed or hackled fiber, brush fiber, tow for upholstery or padding, rope form for upholstery or padding, yarn, roving, twine, rope or reinforcing materials, but it shall not mean unspinnable waste istle or istle bale covering when used as a packaging material to cover materials of any kind imported into the United States.

(6) "Processor" means any person who processes istle or any istle product.

(b) *Importation of istle.* The importation of istle and istle products is subject to the provisions of General Imports Order M-63 as amended from time to time.

(c) *Restrictions on processing of istle and istle products.* No person shall put into process any istle or istle product, except as follows:

(1) Juamave and pita istle, suitable for spinning over hard fiber machinery, for incorporation and use in rope, unless the War Production Board, in allocating the fiber, specifically permits other uses.

(2) Any other istle and istle product, for incorporation and use in any of the following products.

- (i) Rope.
- (ii) Twine.
- (iii) Brushes.
- (iv) Paper, as reinforcement only.
- (v) Plastics.
- (vi) Wire rope centers.

(vii) Any product for ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States (including post exchanges and ship's service stores), the Maritime Commission or War Shipping Administration.

(viii) Any product, for the manufacture of which any istle or istle product is allocated in accordance with paragraph (d).

However, no processor shall use in any calendar month beginning May 1, 1944 more than 16½ per cent of the quantity of palma istle (Fair Average Quality) which he used in the period from January 1, 1944 through March 31, 1944, nor shall he produce any yarn containing more than 49 per cent of any type or types of palma istle.

(d) *Control and allocation.* On and after August 12, 1943, no processor shall make or accept delivery of, or use or process istle, or any istle product, in violation of orders of the War Produc-

tion Board issued pursuant to this paragraph. The War Production Board may from time to time allocate the supply of istic, and istic products, and specifically direct the time, manner and quantities in which deliveries to or by particular processors shall be made or withheld. It may also direct, permit, or prohibit particular uses of raw istic, or istic products, by any processor, in connection with the allocation of such material to him. Any direction, prohibition or allocation, pursuant to this paragraph, must, to be valid, be in writing and in the name of the War Production Board.

(e) *Restrictions on deliveries.* No person shall accept delivery of, deliver, purchase, or sell any istic, or istic product, for any use not permitted by this order. No person shall sell or deliver any istic or istic product to any person whom he knows or has reason to believe is not entitled to receive the same, or to any person who he has reason to believe will put such material to a use not permitted by this order. Unless he knows or has reason to believe it to be false, any person may rely upon a certificate obtained from his customer indorsed on or attached to the purchase order or delivery receipt in substantially the following form:

This is to certify to you and to the War Production Board that delivery from you of _____ quantity of istic _____ (indicate whether istic, or istic product) on or about _____, 1943, is in an amount and for a purpose permitted by WPB Order M-138, with the terms of which I am familiar. Materials referred to in this certificate will be used as permitted by the order.

(Purchaser)
By _____
(Duly authorized official)

A person selling or delivering istic need not require such certificate if he satisfies himself in any other reasonable manner that the facts exist which warrant him in making a delivery under this paragraph.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all the applicable provisions of the regulations of the War Production Board, as amended from time to time.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Reports.* Any person who acquires or puts into process any raw istic shall report on Form WPB-914, formerly PD-469-Part 1, as required on the form. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Persons affected by this order shall file such other reports and questionnaires as may from time to time be required, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M-138.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 21st day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5727; Filed, April 21, 1944;
4:58 p. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 312,¹ Amdt. 1]

MAPLE SYRUP AND MAPLE SUGAR

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 312 is amended in the following respects:

1. A new subparagraph (5) is added to section 2 (a) to read as follows:

(5) Purchasers shall not pay to producers nor producers receive from purchasers any remuneration for transporting the maple syrup to the "loading point" unless the prices provided in Table A are reduced by an amount equal to the amount which the producer receives for such transportation.

2. Section 2 (e) is amended to read as follows:

(e) *Delivered prices.* The delivered price for any item of maple syrup subject to the provisions of this regulation shall in no case exceed the established maximum f. o. b. price for that item plus the actual transportation charges incurred from the point at which such f. o. b. price applies to the place of destination. Such charges shall, in no event exceed the cost of transporting an equal quantity of maple syrup from that f. o. b. point to that place of destination, computed at the lowest available transportation rate for the customary mode of transportation employed.

*Copies may be obtained from the Office of Price Administration.

¹9 F.R. 3347.

This amendment shall become effective April 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of April 1944.

CHESTER BOWLES,
Administrator.

Approved: April 20, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-5715; Filed, April 21, 1944;
4:46 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,¹ Amdt. 120]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rational accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

Section 1394.8153 (b) (4) (iv) is added to read as follows:

(iv) The Deputy Administrator in Charge of Rationing issues an order permitting specified dealers or licensed distributors to accept Class R coupons for one or more kinds of bulk transfers. The Deputy Administrator must find that these dealers or licensed distributors are regulated in such a manner by state law applicable throughout the state that their acceptance of Class R coupons for such kinds of bulk transfers will not facilitate the unlawful acquisition of Class R coupons.

This amendment shall become effective April 21, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 21st day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5714; Filed, April 21, 1944;
4:46 p. m.]

PART 1306—IRON AND STEEL

[RPS 49,² Amdt. 22]

RESALE OF IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1306.157 (s) is amended to read as follows:

²8 F.R. 4608, 4542, 7257, 7595, 7769, 7909, 9750, 9530, 13553, 13669; 9 F.R. 604.

(s) "The operations commonly known as the warehousing of iron or steel products" means the actual receipt and unloading of iron or steel products into premises, regularly maintained for such operation, equipped with facilities for performing such functions as receiving, stocking, sorting and grading, pipe threading or cutting, shearing, flame cutting or burning to size or shape, and shipping which functions are necessary or incidental to the resale and distribution of the particular products brought into such premises. In no case, however, will such operations be considered as having been performed unless the premises referred to are maintained and operated by the owner of the material at the time it was put through such operation and unless the iron or steel product was acquired by such owner under authority to purchase for delivery into his stock for resale in substantially the same form as received granted by the applicable regulations of the War Production Board.

This amendment shall be effective April 27, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5748; Filed, April 22, 1944; 11:51 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,¹ Amdt. 3]

FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.5402 (e) is amended to read as follows:

(e) The allowable ration during the three (3) month period beginning with the date on which the ration is required,

(1) For the non-occupational use of a boat, shall be not more than one hundred and twenty-five (125) gallons or the number of gallons equal to four (4) times the manufacturer's rated horsepower of the motor or motors propelling the boat, whichever is less;

(2) For the occupational use of a boat for pleasure cruising, guiding or fishing parties, or sightseeing, shall be not more than one hundred and twenty-five (125) gallons or the number of gallons equal to four (4) times the manufacturer's rated horsepower of the motor or motors propelling the boat, whichever is less. However, where the application states that only No. 5 or No. 6 or Bunker "C"

*Copies may be obtained from the Office of Price Administration.

¹9 F.R. 2357, 3353.

No. 82—3

fuel oil (having an A. P. I. gravity of 20° or below) will be consumed for such use of the boat and the application is accompanied by a currently valid permit from the Office of Defense Transportation (under Administrative Order ODT 24 of that Office) approving the number of gallons of such fuel oil to be used for the operation of the boat during the three (3) month period for which the ration is needed, the allowable ration shall be the amount of fuel oil needed for such purpose during such three (3) month period, but in no event more than the amount approved by the Office of Defense Transportation in the permit. A ration issued upon such application may not be used to acquire or consume any grade of fuel oil other than No. 5 or No. 6 or Bunker "C" having an A. P. I. gravity of 20° or below.

(i) Upon recommendation by the Office of Defense Transportation that all or part of a ration issued under paragraph (e) (2) of this section, pursuant to a permit from that Office, be revoked, the Washington Office, or the Regional Administrator, District Director or Board having jurisdiction will revoke such ration or such part as may be recommended by the Office of Defense Transportation.

This amendment shall become effective on April 22, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive 1, 7 F.R. 562, Supp. Dir. 1-0, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 22d day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5745; Filed, April 22, 1944; 11:50 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,¹ Amdt. 58]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 1.7 (a) (1) is amended by deleting the following:

Furthermore, a department of a State Government may apply to the District Office for the area where the state capitol is located for all shoe stamps or certificates needed to acquire shoes to be furnished to residents of any eligible institution under the supervision of the department. Separate applications shall be made for each institution. If application is made for an institution in this manner, it shall not make application to any other District Office.

¹8 F.R. 15839, 16605, 16996; 9 F.R. 92, 573, 764, 2232, 2947, 2829, 3340.

2. Section 1.7 (a) (6) is added to read as follows:

(6) A department of a State Government may apply to the District Office for the area where the State capitol is located for all shoe stamps or certificates needed to acquire shoes to be furnished to residents of any eligible institution for which the department procures shoes. One application may be made for all such institutions but in such case, a list shall be attached to the application showing the number of residents who are furnished shoes by each institution for which application is made and the number of pairs of shoes owned by that institution. If application is made for an institution in this manner, it shall not make application to any other District Office. Any shoes which a state institution has in stock may be transferred to another state institution without the collection of ration currency and without registering the institutions as establishments if shoes are procured for the institutions by the same department of the State.

3. Section 1.16 is amended to read as follows:

SEC. 1.16 What war ration stamps are for shoes. The following schedule shows what stamps are evidence of a right to acquire shoes and the time they are valid.

War Ration Book number	Stamp number	Valid period (for men's, women's, and children's shoes)
One	17	First Tuesday after effective date of order to June 15, 1943, inclusive.
One	18	June 16, 1943, to Apr. 30, 1944, inclusive.
Three	Airplane #1	Nov. 1, 1943, to date to be announced by the Office of Price Administration.
Three	Airplane #2	May 1, 1944, to date to be announced by the Office of Price Administration.

This amendment shall become effective April 27, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-T, 8 F.R. 1727, 8 F.R. 7440; E.O. 9125, 7 F.R. 2719)

Issued this 22d day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5746; Filed, April 22, 1944; 11:50 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR;¹ Incl. Amdts. 1-53,² Correction]

NATIVE OR ISLAND TWIST CHEWING TOBACCO

The compilation of Revised Supplementary Regulation No. 1, to the General Maximum Price Regulation, including

¹9 F.R. 1385.

²9 F.R. 3581.

FEDERAL REGISTER, Tuesday, April 25, 1944

Amendments 1 through 53, is corrected in the following respects:

1. Section 4.2 (f) and the following note are corrected to read as follows:

(f) Clay pigeons, but this exemption shall expire July 1, 1944.

[Paragraph (f) added by Am. 28, 8 F.R. 12406, effective 9-11-43; amended by Am. 43, 9 F.R. 184, effective 1-1-44, and Am. 50, 9 F.R. 2692, effective 3-8-44]

2. Section 4.6 is corrected by adding paragraph (k) and the following note to read as follows:

(k) Native or island twist chewing tobacco sold and delivered to the Federal Surplus Commodity Corporation. "Native or island twist chewing tobacco" means twist chewing tobacco pressed flat and made of fire-cured or dark air-cured tobacco, or a combination of both; and treated with a casing mixture of molasses, syrup, glycerin, alcohol and such flavorings as are normally used on twist tobacco consumed by the natives of New Guinea, the Solomons, and other islands in the Southwest Pacific area.

Prior to the effective date of any contract for the sale of native or island twist chewing tobacco to the Federal Surplus Commodity Corporation (or, if the contract is already in effect, within ten days from March 25, 1944), a seller shall submit to the Office of Price Administration, Washington 25, D. C., a copy of such contract or a statement setting forth the date and terms of such contract, including the quantity of twist chewing tobacco sold or to be sold and the price paid or agreed to be paid therefor.

[Paragraph (k) added by Am. 51, 9 F.R. 3075, effective 3-25-44]

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5747; Filed, April 22, 1944; 11:50 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR,¹ Amdt. 123]

EYEGLASSES AND SPECTACLES SOLD IN ALASKA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respect:

1. A new paragraph (a) (4) is added in section 6.8 to read as follows:

(4) Notwithstanding Maximum Price Regulation No. 194² this section 6.8 shall be applicable in the Territory of Alaska.

This amendment shall become effective April 27, 1944.

*Copies may be obtained from the Office of Price Administration.

¹9 F.R. 1385.

²7 F.R. 5909, 6268, 5744, 8023, 8358, 8947, 9195, 10231, 10790, 11012; 8 F.R. 856.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5749; Filed, April 22, 1944; 11:51 a. m.]

(d) This order may be revoked or amended at any time by the Price Administrator.

(e) This Order No. 29 shall become effective April 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5744; Filed, April 22, 1944; 11:50 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 29 Under Order 375 of 3 (b)]

MASON, AU & MAGENHEIMER CONFECTIONERY
MFG. CO.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered that:

§ 1499.2163 Authorization of maximum prices governing sales of "Vita-Snak Bar" a confectionery item manufactured by Mason, Au & Magenheimer Confectionery Mfg. Co., Brooklyn, New York. (a) The maximum prices following are hereby authorized for the indicated sales of "Vita-Snak Bar", a 1.7 ounce confectionery item, manufactured by Mason, Au & Magenheimer Confectionery Mfg. Co. in accordance with its formula contained in price application of March 6, 1944:

(1) Mason, Au & Magenheimer Confectionery Mfg. Co. to wholesalers and chain and syndicate stores, \$1.06 per 20 count box delivered.

(2) Mason, Au & Magenheimer Confectionery Mfg. Co. and wholesalers to independent retailers, \$1.33 per 20 count box delivered.

(3) Retailers to consumers \$0.10 per bar.

(b) The prices established in this order are the highest prices for which "Vita-Snak Bars" may be sold by the respective sellers. All sellers, on sales of "Vita-Snak Bars", shall use their customary discounts, allowances and price differentials applying to sales of comparable candy items. In the application of any existing differentials, the maximum prices established by this order shall not be exceeded.

(c) For a period of at least 90 days or until deliveries of "Vita-Snak Bars" have been made to all its purchasers, Mason, Au & Magenheimer Confectionery Mfg. Co., shall place in or attach to each smallest retail packing unit the appropriate portions of the following notice:

The Office of Price Administration has established maximum prices for sales of the "Vita-Snak Bar" as follows: (1) Sales by Mason, Au & Magenheimer to wholesalers and chain and syndicate stores ----- \$1.06 per 20 count box delivered.

(2) Sales by Mason, Au & Magenheimer and Wholesalers to independent retailers ----- \$1.33 per 20 count box delivered.

(3) Sales by retailers to consumers ----- \$0.10 per box.

(4) All sellers are required to use for this item their customary discounts, allowances and price differentials supplying to like sales of comparable candy items. In the application of any existing differentials, the maximum prices mentioned herein shall not be exceeded.

PART 1358—TOBACCO

[TMPR 35]

CIGAR CUTTINGS AND CLIPPINGS

In the judgment of the Price Administrator, the prices of cigar cuttings and clippings have advanced to a point and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and it is necessary in order to prevent further advances, to issue a temporary maximum price regulation establishing prices at levels prevailing during the five days immediately prior to its issuance. The prices for cigar cuttings and clippings established by this regulation are not below those which will reflect to producers prices equal to the highest of those required by the provisions of section 3 of the act.

§ 1358.258 Maximum prices for cigar cuttings and clippings. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Temporary Maximum Price Regulation No. 35—Cigar Cuttings and Clippings, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1358.258 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

TEMPORARY MAXIMUM PRICE REGULATION NO. 35—CIGAR CUTTINGS AND CLIPPINGS

Sec.

1. Explanation of the regulation.
2. Maximum prices for cigar cuttings and clippings.
3. Relation of this regulation to the General Maximum Price Regulation.
4. Records to be kept.
5. What is prohibited under this regulation.
6. Petitions for amendment.

SECTION 1. *Explanation of the regulation.* (a) This regulation fixes maximum prices for all sales of cigar cuttings and clippings, except export sales which are subject to the provisions of the Second Revised Maximum Export Price Regulation,¹ issued by the Office of Price Administration.

"Cigar cuttings and clippings" means cuttings and clippings and other scraps or pieces of tobacco resulting from cigar manufacturing operations.

(b) This regulation is applicable to the forty-eight states of the United

¹8 F.R. 4132, 5987, 7662, 9998, 15193.

States, the District of Columbia, and the territories and possessions of the United States.

(c) This regulation shall become effective April 22, 1944, and unless sooner revoked or superseded by a permanent regulation shall expire at 11:59 p. m. on June 20, 1944.

(d) Unless the context otherwise requires, the definitions contained in the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation, apply to the terms used in this regulation.

SEC. 2. Maximum prices for cigar cuttings and clippings. (a) For a sale of cigar cuttings and clippings, the maximum price to a particular purchaser is the highest price charged by the seller for the same quantity of the same or substantially the same type of cigar cuttings and clippings sold to that purchaser or a purchaser of the same class.

If a seller during the period April 17, 1944 to April 21, 1944, inclusive, customarily made no distinction between types of cigar cuttings and clippings and sold all types at the same price to each class of purchasers, his maximum price to a particular purchaser is the highest price charged that purchaser or a purchaser of the same class for the same quantity irrespective of the type being sold.

"Type of cigar cuttings and clippings" refers to the customary practice, if any, of the particular seller to separately price cigar cuttings and clippings because of different kinds or grades of tobacco leaf or because of the quality or condition of the cuttings and clippings. If a seller had no such practice, all his sales shall be deemed sales of the same type of cigar cuttings and clippings.

"Highest price charged" means the highest price which the seller charged for the same quantity of the same or substantially the same type of cigar cuttings and clippings in any delivery made by him during the period April 17, 1944, to April 21, 1944, inclusive, to a purchaser of the same class.

If the seller made no such delivery, the "highest price charged" means his highest offering price for the same quantity of the same or substantially the same type of cigar cuttings and clippings for delivery during that period to a purchaser of the same class.

(b) If the seller did not deliver or offer to deliver the same or substantially the same type of cigar cuttings and clippings during the period April 17, 1944, to April 21, 1944, inclusive, to a purchaser of the same class, his maximum price is the highest price charged for a delivery of the same quantity thereof during that period by his most closely competitive seller to a purchaser of the same class.

(c) If the seller delivered or offered to deliver the same type of cigar cuttings and clippings to purchasers of the same class during the period April 17, 1944, to April 21, 1944, inclusive, but did not deliver or offer to deliver to such pur-

chasers the quantity thereof being priced, his maximum price for such quantity shall be determined on a proportionate basis.

(d) On all sales of cigar cuttings and clippings a seller must maintain his customary discounts, allowances and other price differentials in effect during the period April 17, 1944, to April 21, 1944, inclusive.

SEC. 3. Relation of this regulation to the General Maximum Price Regulation.

(a) The following provisions of the General Maximum Price Regulation and amendments to that regulation are applicable to every seller of cigar cuttings and clippings:

(1) Transfer of business or stock-in-trade. (Section 1499.5)

(2) Federal and state taxes. (Section 1499.7, except that the base period April 17, 1944 to April 21, 1944, inclusive, must be substituted for March 1942, and the date April 21, 1944 must be substituted for March 31, 1942.)

SEC. 4. Records to be kept. (a) As to all sales of cigar cuttings and clippings covered by this regulation, every seller must preserve for examination by the Office of Price Administration all of his existing records relating to prices which he charged during the period April 17, 1944 to April 17, 1944, inclusive, and his offering prices for delivery during that period; and he must prepare on or before May 12, 1944 on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing (1) the highest prices for the items sold to each class of purchasers during that period and (2) all of his customary allowances, discounts and other price differentials.

(b) In addition he must keep records of the same kind as he has customarily kept relating to the prices which he charged for cigar cuttings and clippings during the period April 17, 1944 to April 21, 1944, inclusive, together with the basis upon which he determined his maximum prices.

SEC. 5. What is prohibited under this regulation. (a) *No buying or selling above maximum prices.* On and after April 22, 1944, regardless of any contract, agreement or other obligation, no person may sell or deliver, and no person in the course of trade or business may buy or receive cigar cuttings and clippings at prices higher than the maximum prices fixed by this regulation; and no person may agree, offer, solicit, or attempt to do any of these acts. However, prices lower than the maximum prices fixed by this regulation may be charged, demanded, paid, or offered.

(b) *Evasion.* The price limitations contained in this regulation may not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to any cigar cuttings and clippings for which maximum prices are fixed by this regulation, alone or in conjunction with any

other commodity, or by way of any commission, service, transportation, packing or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

(c) *Penalties for violations.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1,¹ issued by the Office of Price Administration, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sales for which his license has been suspended.

SEC. 6. Petitions for amendment. Any person seeking a modification of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,² issued by the Office of Price Administra-

This temporary maximum price regulation shall become effective April 22, 1944.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5755; Filed, April 22, 1944;
3:05 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5.³ Amdt. 58]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. Section 2.7 (a) is amended by deleting the words "ninety percent (90%)" and substituting in place thereof the words "seventy-five percent (75%)."

2. A new section 10.1 (g) is added to read as follows:

(g) A seasonal user may be granted a single allotment covering more than

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 10002, 11676, 11480, 11479, 12483, 12537, 12403, 12744, 14472, 15488, 16787, 17485; 9 F.R. 401, 455, 692, 1810, 2212, 2287, 2252, 2476, 2789, 3030, 3075, 3340, 3704, 3577.

² 8 F.R. 13240.

³ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

one allotment period. However, that allotment may not cover more than ninety (90) consecutive days. If he applies for an allotment under this paragraph he must notify the Board of the number of days he will actually be in operation and the Board shall increase his allotment proportionately. Any allotment granted under this paragraph shall be in lieu of any regular allotments that he may be entitled to under any other provisions of this order.

This amendment shall become effective April 28, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1-E, 1-M, and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471 respectively)

Issued this 24th day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5816; Filed, April 24, 1944;
11:37 a. m.]

PART 1309—COPPER
[RMPR 20,¹ Amdt. 1]

COPPER SCRAP AND COPPER ALLOY SCRAP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 20 is amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. Toll or conversion agreements—(a) Copper. The maximum price which may be charged by one person for treating or processing the copper scrap or copper alloy scrap of another by smelting, remelting or other method to produce copper shall be an amount equal to the difference between the maximum price for such scrap established by this regulation and the maximum price for the copper processed or produced from such scrap.

(b) Brass or bronze alloy ingot or shot. The maximum price which may be charged by one person for treating or processing the copper scrap or copper alloy scrap of another by smelting, remelting or other method to produce brass or bronze alloy ingot or shot shall be a price or charge approved by the Office of Price Administration for the particular service.

Requests for approval of toll or conversion charges for the production of brass or bronze alloy ingot or shot should be made by letter addressed to the Non-ferrous Metals Branch, Office of Price Administration, Washington, D. C. A copy of the proposed toll or conversion

contract should be enclosed or the letter should state the proposed charge and summarize the other terms of the contract. When a toll or conversion charge is submitted for approval in this manner, it shall be deemed to be approved unless the Administrator specifically disapproves such charge within fifteen days from the date on which receipt of the request for approval is acknowledged. Approval shall, however, apply only to the charge for the service to be performed under the particular contract as to which the request is made.

2. Section 16 (c) (1) (i) is amended to read as follows:

(c) Special preparation premiums—

(1) Special preparation premiums for copper scrap. (i) To the maximum base price for No. 1 copper wire and No. 1 heavy copper, No. 1 tinned copper wire and No. 1 tinned heavy copper, No. 1 copper borings, No. 2 copper wire and mixed heavy copper, or No. 2 copper borings, the applicable one of the following crucible shape or briquetting premiums may be added. However, no crucible shape or briquetting premium may be added on the sale or delivery of any such copper scrap to a copper refinery or a brass and bronze ingot manufacturer.

	Cents per pound
No. 1 copper wire and No. 1 heavy copper in briquettes or in crucible shape	1.25
No. 1 tinned copper wire and No. 1 tinned heavy copper in briquettes or in crucible shape	1.25
No. 1 copper borings	1.25
No. 2 copper wire and mixed heavy copper in briquettes or in crucible shape	1.00
No. 2 copper borings	1.00

3. Section 16 (f) (6) is amended to read as follows:

(6) Sales of certain grades of copper alloy scrap to a consumer other than a copper refinery or a brass and bronze ingot manufacturer. The maximum base prices, f. o. b. freight cars, trucks or other means of transportation, at the point of shipment, for the grades of copper alloy scrap listed below, on a sale to a consumer other than a copper refinery or a brass and bronze ingot manufacturer, shall be as follows:

	Cents per pound
Brass pipe	8.00
Old rolled brass	7.75
Admiralty condenser tubes	8.00
Muntz metal condenser tubes	7.50
Plated rolled brass sheet, pipe and reflectors	7.50

Subject in all cases to the deduction provided for in footnote 2.

This amendment shall become effective April 29, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5815; Filed, April 24, 1944;
11:36 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 131,¹ Amdt. 1]

CAMELBACK AND TIRE AND TUBE REPAIR MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 131 is amended in the following respects:

1. The proviso in section 3 (b) is amended to read as follows:

Provided, That the maximum price for any sale to a recapper or vulcanizer of camelback (other than base and lug stock) which is predesigned for use with open steam method of retreading or recapping by cutting a non-skid pattern therein, shall be determined by adding 8 cents per pound to the price set forth for such camelback in the following table:

2. In Table I, section 4 (b) (1) the references to padding stock are amended to read as follows:

Type	Size	Unit	Price to which discounts are to be applied
Padding stock	1/8 inch or wider (Cut in strips...)	Per pound Per pound	\$0.75 .80

3. In section 6 (d) (3) (iii) the reference to reliners is amended to read as follows:

General type: *Base item*
Reliners:

Truck tires----- 32 x 6 size, 4-ply.

Passenger car tires----- 6.00-16 size, 2-ply.

4. In section 6 (d) (3) (iii), the statement opposite Consumers' kit is amended to read as follows:

Select the consumers' kit which the manufacturer is presently delivering in the largest volume.

This amendment shall become effective April 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5809; Filed, April 24, 1944;
11:38 a. m.]

*Copies may be obtained from the Office of Price Administration.

¹9 F.R. 1110.

*Copies may be obtained from the Office of Price Administration.

¹9 F.R. 756.

PART 1340—FUEL

[MPR 88, Amdt. 6]

FUEL OIL, GASOLINE AND LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 2.27 (a) is amended as follows:

a. The entire wording above the table is modified to read as follows:

(a) *State of New Hampshire.* Maximum tank wagon prices to consumers for kerosene, No. 1 fuel oil and range oil and Nos. 2 and 3 fuel oils in the following towns and cities in the State of New Hampshire shall be as follows:

b. The table heading is amended to read as follows:

City or town	Kerosene, No. 1 fuel oil and range oil— on deliveries of 25 gallons or over ¹	Nos. 2 and 3 fuel oils— on deliveries of 100 gallons or over ²
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c. Footnotes 1 and 2 are added to read as follows:

[All prices in cents per gallon]

	Wholesale f. o. b. prices				Delivered prices		
	F. o. b. refineries, seaboard tanker terminals and pipeline terminals in bulk lots loaded into tank cars and motor transports in single lots of 3,000 gallons or over	Loaded into buyer's tank wagon in single lots of less than 3,000 gallons	For tank wagon delivery to re-sellers in any quantity	For tank wagon delivery to consumers in quantities of 25 gallons or over	For tank wagon delivery to consumers in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons		
For delivery within:							
Union County.....	7.0	7.1	7.6	10.0	10.5	12.0	
Middlesex County.....	7.0	7.1	7.6	10.0	10.5	12.0	
Excepting town of Dunellen.....			7.7	10.0	10.5	12.0	
Essex County.....	7.0	7.1	7.8	10.5	11.0	12.5	
Excepting storage facilities situated on Doremus Avenue, city of Newark.....	7.0	7.1	7.6	10.0	10.5	12.0	
Hudson County.....	7.0	7.1	7.8	10.0	10.5	12.0	
Bergen County.....	7.0	7.1	7.9	10.0	10.5	12.0	
Excepting:							
Borough of Edgewater.....	7.0	7.1	7.6	10.0	10.5	12.0	
Borough of North Arlington and township of Lyndhurst.....			7.8	10.0	10.5	12.0	
Passaic County.....			7.9				

(2) For Nos. 2, 3 and 4 distillate fuel oil:

[All prices in cents per gallon]

	Wholesale f. o. b. prices				Delivered prices		
	F. o. b. terminals in bulk lots loaded into barges	F. o. b. refineries, seaboard tanker terminals, and pipe-line terminals, in bulk lots loaded into tank cars and motor transports, in single lots of 3,000 gallons or over	Loaded into buyer's tank wagon in single lots of less than 3,000 gallons		For tank wagon deliveries in quantities of 100 gallons or over	For tank wagon deliveries in quantities of less than 100 gallons	
For delivery within:							
Union County.....	6.6	6.7	7.0	For delivery within:			
Middlesex County.....	6.6	6.7	7.0	Entire State of New Jersey.....	9.0	9.5	
Excepting town of Dunellen.....			7.4				
Essex County.....	6.6	6.7	7.1				
Excepting storage facilities situated on Doremus Avenue, city of Newark.....	6.6	6.7	7.0				
Excepting storage facilities situated on Frelinghuysen Avenue or Wheeler Point Road, city of Newark.....	6.6	6.7	7.2				
Hudson County.....	6.6	6.7	7.2				
Excepting city of Bayonne.....	6.6	6.7	7.0				
Bergen County.....	6.6	6.7	7.2				
Excepting:							
Borough of Edgewater.....	6.6	6.7	7.0				
City of Garfield and Borough of Wallington.....			7.3				
Boroughs of East Paterson, Paramus and Ramsey; township of Wyckoff and town of Mahwah.....			7.5				
Passaic County.....			7.3				
Excepting city of Paterson and Borough of Hawthorne.....			7.5				

3. Section 5.1 is amended as follows: A new unnumbered paragraph is inserted between the existing second and third paragraphs, said insertion to read as follows:

*Copies may be obtained from the Office of Price Administration.

¹9 F.R. 1783, 2405, 3076, 3230, 3849.

The quotation in the above named periodical for 72-74 octane motor gasoline, as set forth on page 40 of such publication under the sub-heading "Ohio," shall not be used for determining a seller's maximum price except on sales to consumers.

4. Section 6.5 (d) is added to read as follows:

(d) *In certain Maryland and Virginia communities—on tank wagon deliveries.* Effective as of February 19, 1944, on tank wagon deliveries of gasoline in those communities of Maryland and Virginia, where immediately prior to January 1,

1942, tank wagon sellers were absorbing part of the state gasoline taxes in order to avoid wide differences between the total selling prices in such communities and those in Washington, D. C., there may be added to a maximum price determined under section 5.2 a sum equal to the amount of tax absorbed or .5¢ per gallon, whichever is lower.

This amendment shall become effective April 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5818; Filed, April 24, 1944;
11:37 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RMPR 341.¹ Amdt. 3]

MAXIMUM PRICES FOR USED COMMERCIAL MOTOR VEHICLES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 9 (c) of Revised Maximum Price Regulation 341 is amended by the addition of the following paragraph:

However, where a heavy duty crane, or shovel, designed and manufactured for construction work and operated by independent power, is mounted on a used vehicle and the price of the crane, or shovel, under Maximum Price Regulation 136, as amended,² is higher than the price of the used vehicle under this revised regulation, the entire unit shall be priced under Maximum Price Regulation 136, as amended. The prices used in this determination shall be:

(1) *For the crane or shovel.* The maximum price, at the time of the sale of the combination by the present seller.

(2) *For the used vehicle.* The maximum price, at the time of the sale of the combination by the present seller, for the bare used vehicle as though it were standard and without any extras, alterations or other improvements.

This amendment shall become effective April 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5810; Filed, April 24, 1944;
11:38 a. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 11176, 17036, 17414.

² 8 F.R. 16132; 9 F.R. 1523, 2032, 2138, 2791, 3084, 3578, 4020.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C.¹ Amdt. 118]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

In § 1394.8051 (b) (2) subdivisions (i) and (ii) are deleted and the present text preceding subdivision (i) is amended by adding the following sentence:

In any case in which an applicant has failed to appear to receive a quarterly ration within the first thirty days of any quarter, the Board shall not issue such quarterly ration or any portion thereof except upon instructions from the Office of Defense Transportation.

This amendment shall become effective April 28, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562; E.O. 9125, 7 F.R. 2719)

Issued this 24th day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5817; Filed, April 24, 1944;
11:37 a. m.]

PART 1399—CONSTRUCTION, OIL FIELD, MINING AND RELATED MACHINERY

[MPR 134.² Amdt. 15]

CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES AND CHARGES FOR OPERATING AND MAINTENANCE OR REPAIR AND REBUILDING SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 134 is amended in the following respects:

1. Section 1399.5 (b) (2) (ii) is amended by adding the following: "except that where he is required to pay his operators or operating crews overtime wages because of overtime operation of the equipment with which such services are being supplied, there may be added the dollar amount of so much of the excess of actual overtime over actual straight time wages as is paid such operators or operating crews, plus payroll taxes and insurance, but not including markup, thereon;"

2. Section 1399.16 (a) (6) is amended by inserting after the words "as is actu-

¹ 8 F.R. 15937, 16250, 16420; 9 F.R. 104; 8 F.R. 16845, 16846, 17327, 17484, 17297; 9 F.R. 286, 90, 1181, 1180, 972, 1326, 1397, 1712, 2033, 2087, 2239, 2654, 2302, 2567, 2655, 2829, 2791, 3073, 2909, 3232, 3734, 3745.

² 7 F.R. 3203, 7011, 8411, 3447, 8386, 9054; 8 F.R. 1975, 3789, 5931, 9150, 10759, 12544, 13127, 16038; 9 F.R. 1321, 17285.

ally paid the operator", the words "plus payroll taxes and insurance."

This amendment shall become effective April 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5811; Filed, April 24, 1944;
11:38 a. m.]

PART 1410—WOOL

[MPR 163, incl. Amdts. 1-15.² Correction]

WOOLEN AND WORSTED CIVILIAN APPAREL FABRICS

Through inadvertence, an undesignated paragraph, formerly a part of § 1410.103 (a) of the regulation, was omitted in the collation issued on April 13, 1944, as MPR 163, including amendments 1-15. Therefore, § 1410.103 (a) (1) is corrected by adding at the end thereof the following undesignated paragraph:

In cases of sales and deliveries covered by subdivisions (iv), (v), or (vi) where a jobber has several styles of a woolen or worsted apparel fabric in the same range and the differential between the manufacturer's net invoice prices of all the styles in the range does not exceed \$0.25 per yard, the manufacturer's net invoice price per yard for all the styles may be determined by taking the average of the manufacturer's net invoice prices per yard of all the styles in the range.

This correction shall become effective as of April 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5813; Filed, April 24, 1944;
11:36 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188.² Amdt. 32]

CONCRETE PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 188 is amended by changing the list of commodities in § 1499.167, Appendix B, as follows:

¹ 9 F.R. 3972.

² 7 F.R. 5872, 7967, 8943, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 8751, 8753, 9836, 10433, 10906, 11037, 12406, 12479, 12186, 12668, 14622, 14766, 16298, 17415; 9 F.R. 1912, 2556.

1. The commodities listed under the heading "Concrete Products" are amended to read:

Concrete products:
Building blocks and bricks.
Cast shapes and cast stone.
Tile and tiling.
Sewer and culvert pipe.
Drain tile.
Posts, piles, and cribbing.
Terrazzo.
Septic tanks.
Grave vaults and liners.
Laundry trays.

This Amendment No. 32 shall become effective April 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5814; Filed, April 24, 1944;
11:36 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 124]

SHELLAC VARNISH

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.2 (b) (1) is amended to read as follows:

(1) *Maximum prices for sales by wholesalers to retailers and commercial users.* The maximum price of shellac varnish for sales by a wholesaler to a retailer or commercial user shall be 125 per cent of the actual delivered cost of such shellac varnish to such wholesaler.

"Commercial user" means a person who buys for use in an establishment furnishing goods or services directly to the ultimate consumer other than an industrial or other commercial user.

Examples. A wholesaler may sell shellac varnish at the ceilings established by this subparagraph (1) to an operator of a bowling alley for use in resurfacing the alleys. Such an establishment furnishes a service directly to an ultimate consumer.

A wholesaler may not sell shellac varnish at the ceilings established by this subparagraph (1) to a manufacturer for application to kitchen cabinets for resale. The cabinets are not furnished directly to an ultimate consumer.

This amendment shall become effective April 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5812; Filed, April 24, 1944;
11:37 a. m.]

*Copies may be obtained from the Office of Price Administration.

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 275]

PART 408—ACCOUNTING DIVISION

Section 408.000¹ is amended to read as follows:

§ 408.000 *Accounting procedure for interest at 4½ percent.* The accrual of interest at 4½% per annum, as authorized after October 16, 1939, on all home owner accounts, except accounts authorized for foreclosure, hereafter shall apply to all home owner accounts except those on which statements of account have been prepared and delivered to the Legal Department prior to the effective date of this revision.

In the latter cases, interest shall continue to be charged, while the accounts are authorized for foreclosure, at the rate specified in the loan or sales instrument as applicable prior to default, even though such rate may exceed 4½% per annum.

Effective April 21, 1944.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL]

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 44-5763; Filed, April 22, 1944;
3:27 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—REGULATIONS FOR SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section 1, Title II, of the Espionage Act, approved June 15, 1917, 40 Stat. 220, as amended by the Act of November 15, 1941, 55 Stat. 763 (50 U.S.C., sec. 191, 191a), and by virtue of the Proclamation and Executive order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581) respectively, the regulations relating to the control of vessels in the navigable waters of the United States, are hereby amended as follows:

Section 6.3 (b) is deleted.

Section 6.20 is deleted.

Section 6.1-27 is amended to read as follows:

§ 6.1-27 *Narragansett Bay, Naval Torpedo Station Torpedo Testing Area—(a) Danger zone.* (1) The Torpedo Testing Range comprises all of the waters within the area bounded as follows:

From the east shore of Conanicut Island at Lat. 41°31' N. to Point A in Lat. 41°31' N.

¹ 4 F.R. 4034.

Long. 71°20'48" W. thence to Point B in Lat. 41°31'45" N. Long. 71°20'09" W., thence to Point C in Lat. 41°33'56" N. Long 71°19'30" W., thence 346° true to the shore of Prudence Island, thence along the south and west shores of Prudence Island and Patience Island to the North West Point Patience Island, thence 177° true tangent to the east shore of Conanicut Island, and along the east shore of Conanicut Island to Lat. 41°31' N. the point of origin.

(2) *The prohibited area.* The prohibited area, which overlaps the torpedo testing range, is bounded by a line beginning at Lat. 41°32'17" N., Long. 71°20'32" W., and running thence to Lat. 41°37'17" N., Long. 71°21'03" W., thence to Lat. 41°37'15" N., Long. 71°21'26" W., thence to a point on the north shore of Hope Island at Lat. 41°36'22" N., Long. 71°22'00" W., thence easterly, southerly, and southwesterly along the mean high-water mark of the shore of Hope Island to Lat. 41°36'00" N., Long. 71°22'03" W., thence to a point on the northeast shore of Conanicut Island at Lat. 41°34'18" N., Long. 71°22'00" W., thence southeasterly and southerly along the mean high-water mark of the shore of Conanicut Island to Lat. 41°33'15" N., Long. 71°21'39" W., thence to Lat. 41°32'14" N., Long. 71°20'58" W., thence to the point of beginning.

(b) *The regulations.* (1) No vessel shall anchor or fish, or tow a drag of any kind in the prohibited area.

(2) Anchoring in the Torpedo Testing Range outside the prohibited area is forbidden except in cases of great emergency and vessels anchoring there under such conditions shall move out of the area as soon as possible.

(3) The danger zone shall be given a wide berth when possible in order to avoid danger from running torpedoes, damage to range installations, or interference with range operations.

(4) The danger zone may, in case of necessity, be entered under the following conditions:

(i) Vessels proceeding to or from the Naval Air Station, Quonset Point, the Advanced Base Depot or other points in the western part of Narragansett Bay may pass between Conanicut Island and Gould Island:

When firing is in progress. In the case of major vessels making this passage, firing will be suspended on the approach of such vessels to the danger zone or on request to the Proof Officer, Firing Pier, Gould Island.

In the case of minor vessels, they must proceed with caution, avoid torpedoes, and observe orders of craft patrolling the zone which are identified by a square red flag.

When firing is not in progress. Vessels may make this passage without special precautions except that diving tenders with divers down shall be given a wide berth and passed at slow speed.

(ii) Other than as specified above, vessels shall not enter the danger zone while firing is in progress except by special arrangement through the Proof Officer, Firing Pier, Gould Island or, through the Officer in Charge, Magnetic Range, if entering for operations on the Magnetic Range.

(5) The following signals shall be displayed from the Firing Pier at the North

end of Gould Island to indicate that torpedo firing is in progress:

By day: A large red flag.

At night: An all around green light.

Torpedo firing may be expected at any time of the day or night, Sundays and holidays included.

(6) When torpedo firing is in progress a patrol boat shall be kept in readiness and shall give timely warnings to vessels approaching dangerous areas and shall issue necessary orders and instructions regarding navigating the danger zone. Craft patrolling the danger zone shall fly or expose a square red flag.

(7) Orders and instructions issued by patrol craft or other authorized representatives of the enforcing agency must be promptly carried out by vessels in, or in the vicinity of, the Danger Zone. The following emergency signals shall be employed by patrolling aircraft:

(i) Emergency, stop and await instructions—plane lands in front of offending vessel or drops smoke float directly ahead of her.

(ii) Emergency, torpedo heading toward you, maneuver to avoid plane zooms vessel in danger.

(8) Nothing in these regulations shall prevent the setting of fish traps outside the Prohibited Area under permits granted by the War Department, nor shall the passage of fishing vessels to and from authorized traps be unreasonably interfered with or restricted.

(9) These regulations shall be enforced by the Commandant, United States Naval Operating Base, Newport, Rhode Island, and such agencies as he may designate.

Amend § 6.5-9 (a) to read as follows:

§ 6.5-9 *Patuxent River, Maryland; prohibited area*—(a) *The area.* From a line extending from shore approximately from Sand Gates, Maryland to Prison Point, Maryland (longitude 76° 36' 30" W.) to a line extending from shore to shore approximately 400 yards east of Drum Point Lighthouse (longitude 76° 25').

Amend § 6.5-10 (b) (1) to read as follows:

§ 6.5-10 *Gunnery Ranges and Seaplane Landing Area, U. S. Naval Air Station, Patuxent River, Maryland*—(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the Machine Gun Range at any time.

No vessel or other craft, except military and naval vessels engaged in scheduled gunnery and training exercises, shall enter or remain in the Seaplane Landing Area or the Aerial Gunnery Range or Ground Gunnery Range during their use for firing practice except as provided in paragraph (b) (5), (6) and (7).

Add the following section:

§ 6.7-28 *Old Tampa Bay, Fla., along southerly shore; Practice Rifle Range, Third Air Force, U. S. Army, Tampa, Fla.*—(a) *The danger zone.* An area along the southerly shore of Old Tampa Bay, approximately 8,500 feet wide in an east-west direction and approximately

9,000 feet long in a north-south direction bounded as follows:

West boundary—Long. 82° 41' 35" W.

North boundary—Lat. 27° 56' 15" N.

East boundary—Long. 82° 40' 00" W.

South boundary—Shore of Old Tampa Bay.

The military operations which will be carried on in the area consist of horizontal rifle firing from 8:00 a. m. to 6:00 p. m. Firing will be in a northeasterly direction from a point within the Pinellas Army Airfield located near the southwest corner of the danger area. The area will not be marked.

(b) *The regulations.* (1) No vessel or craft shall enter or remain within the area during its use for rifle practice, except as provided in paragraph (b) (5).

(2) Since rifle practice will take place in the area at frequent and irregular intervals throughout the year, regardless of season, advance notice will be given of the date on which the first of such activities will begin. At intervals of not more than three months thereafter, notice will be sent out that rifle practice is continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners."

(3) Prior to the conducting of each rifle practice the area will be patrolled by Army aircraft to insure that no watercraft are within the danger area, and any such watercraft seen in the vicinity will be warned that practice is to take place by the "zooming" of Army aircraft at a safe distance to one side.

(4) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall remain outside the area until the conclusion of the practice.

(5) These regulations shall not deny traverse of portions of the danger area by regular cargo-carrying vessels proceeding in established steamer lanes. In case of the presence of any such vessel in the danger area, the officer in charge of firing operations shall cause the cessation or postponement of such operations until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(6) These regulations shall be enforced by the Commanding General, Third Air Force, Tampa, Florida, and such agencies as he may designate.

Amend § 6.9-30 (c) by amending subparagraph (11) and adding subparagraph (12) as follows:

§ 6.9-30 *St. Mary's River, Michigan*

* * *

(c) * * *

(11) *Guarding of vessels.* All vessels except those of British registry which operate in the St. Mary's Falls Canal and Locks are required to detail or maintain a senior ship's officer or competent member of the crew to serve as a guard and report any unusual occurrences or interferences with such vessels during their passage through the canal and locks.

(12) *Other applicable regulations.* The regulations contained in this paragraph shall be supplementary to the "Regulations to Govern the Use, Admini-

stration, and Navigation of St. Mary's Falls Canal and Locks, Michigan."

FRANK KNOX,
Secretary of the Navy.

Approved: 18 April 1944.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 44-5767; Filed, April 24, 1944;
10:33 a. m.]

Chapter II—Corps of Engineers, War Department

PART 207—NAVIGATION REGULATIONS

LOWER ATCHAFALAYA RIVER (BERWICK BAY), MORGAN CITY, LA.

Pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the provisions of § 207.240 are hereby modified and made applicable to the movement of vessels and the composition of tows passing, in either direction, through the Southern Pacific Railroad bridge across the Lower Atchafalaya River at Morgan City, Louisiana, during periods of critical velocity or whenever the District Engineer finds it necessary in the interests of safety, the title and regulations being amending to read as follows:

§ 207.240 *Atchafalaya River, La.; special regulations to govern navigation through the reach of the Lower Atchafalaya River (Berwick Bay) in the vicinity of the Southern Pacific Railroad bridge at Morgan City, La.* (a) Whenever the velocity of flow, either southward or northward, through the reach of the Lower Atchafalaya River (Berwick Bay) at Morgan City, Louisiana, reaches or exceeds a critical velocity as determined by the District Engineer, United States Engineer Department at Large, in charge of the locality, or whenever the District Engineer finds it necessary for the protection of life and property, the movement of vessels and the composition of tows passing through the Southern Pacific Railroad bridge shall be governed by these regulations. Day and night visual signals will be displayed at the center of the drawspan above the operator's house on top of the bridge structure when the regulations are in effect. During periods of foggy or inclement weather, or when for any other reason the visual signals cannot readily be seen, notice that the signals are being displayed will be given by blasts of a fog horn (located on the bridge) as follows:

(1) To indicate that signals are being displayed to govern only traffic moving southward through the bridge, one blast of six seconds' duration each minute.

(2) To indicate that signals are being displayed to govern only traffic moving northward through the bridge, one blast of six seconds' duration, followed by one short blast, each minute.

(3) To indicate that signals are being displayed to govern both southbound and northbound traffic through the bridge, one blast of six seconds' duration, followed by two short blasts, each minute.

(b) By day the visual signals will consist of:

(1) Two red balls displayed vertically, one above the other, from a pole, to indicate that vessels and tows southbound through the bridge shall be governed by these regulations.

(2) Two red cylinders displayed vertically, one above the other, from a pole, to indicate that vessels and tows northbound through the bridge shall be governed by these regulations.

(c) At night the visual signal will be a light displayed immediately above the usual bridge light: (1) On the north side of the bridge to indicate that these regulations are in effect with respect to southbound traffic; (2) on the south side of the bridge to indicate that these regulations are in effect with respect to northbound traffic. This light will be red when the bridge is closed and green when the bridge is open.

(d) When the above signals governing southbound traffic are displayed, unless otherwise directed by the District Engineer tows moving south through the bridge shall not exceed one barge with the towing vessel in the rear or lashed securely to the side of the barge. If the river's flow is in a southward direction, the tow shall be drifted through the navigation opening of the bridge at a speed not exceeding the velocity of flow. If the river's flow is in a northward direction, the tow shall move through the navigation opening of the bridge at the minimum speed required to maintain steerageway.

(e) When the above signals governing northbound traffic are displayed, unless otherwise directed by the District Engineer tows moving north through the bridge shall not exceed two barges arranged in tandem with the towing vessel in the rear pushing the tow with its bow made up to the stern of the rear barge, or lashed securely alongside and near the stern of the rear barge. If the river's flow is in a southward direction, the tows shall move through the navigation opening of the bridge at the minimum speed required to maintain steerageway. If the river's flow is in a northward direction, the tow shall be drifted through the navigation opening of the bridge at a speed not exceeding the velocity of flow.

(f) The above regulations, except those governing speed of movement through the navigation opening, shall not apply to tows with two towing vessels of sufficient power, one ahead and one astern of the tow.

(g) Vessels and tows proceeding with the current shall have the right of way over vessels and tows proceeding against the current. When two vessels or tows are about to enter the navigation opening through the bridge from opposite directions at the same time, the vessel or tow proceeding against the current shall stop short of the opening until the vessel or tow having the right of way shall have passed through.

(h) Vessels and tows desiring to pass through the navigation opening of the bridge shall approach the opening along the axis of the channel and shall proceed with due regard for direction and velocity of the current and any tendency to

drift either to the right or to the left so as to pass through without danger of striking the bridge or the fenders. No vessel or tow shall attempt passage through the navigation opening until the bridge is fully open. (40 Stat. 266; 33 U.S.C. 1) [Regs. 17 April 1944 (CE 823 Berwick Bay-Morgan City-Berwick, La.-Mile 17.5-SPEWR)]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44-5774; Filed, April 24, 1944;
10:55 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

DEFINITIONS OF RELATIONSHIP

§ 5.2502 General Law. For the purposes of the General Law the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow*. The term "widow" shall mean a person who was married to the veteran at any time prior to the death of the veteran. As to awards approved on or after March 1, 1944, based on service rendered on or after April 21, 1898, continuous cohabitation as described in § 5.2516 must be established. (Public No. 242, 78th Congress, Act of March 1, 1944.) In claims based on service rendered prior to April 21, 1898, continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899, unless the marriage was entered into prior to or during service. (30 Stat. 1380) (Public No. 242, 78th Congress)

* * * * *

§ 5.2504 Indian Wars. For the purposes of the Acts of March 4, 1917 (39 Stat. 1199), and March 3, 1927 (44 Stat. 1361), as amended, the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow*. (1) The term "widow" shall mean a person who was married to the veteran prior to March 4, 1917. However the \$50 rate provided for in the act of March 3, 1944, is payable only when the unremarried widow was the wife of the veteran during his Indian war service (Public No. 245, 78th Congress). (See § 5.2580.) Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899. (30 Stat. 1380) (See § 5.2516.)

(2) As to claims filed under Public No. 245, 78th Congress, after March 3, 1944, the term "widow" shall mean a person as defined in subparagraph (1) of this paragraph or a person who:

(i) Was married to the veteran ten or more years prior to the date of his death;

(ii) Lived with the veteran continuously from the date of marriage to the date of his death as provided in § 5.2516;

(iii) Is 60 years of age or over;

(iv) Has not remarried;

(v) Is in dependent circumstances. In determining dependency, the criteria outlined in § 2.1057 for determining the dependency of a parent shall be applied. (Public No. 245, 78th Congress)

(b) *Remarried widow*. The term "remarried widow" shall mean a person who was married to the veteran prior to March 4, 1917, and who otherwise meets the requirements of paragraph (a) (1) of this section and whose subsequent or successive marriage or marriages has or have been dissolved either by death of the husband or husbands or by divorce without fault on her part. (44 Stat. 1361)

(c) *Child*. The term "child" is as defined in § 5.2502 (b) (1). (Public No. 245, 78th Congress)

§ 5.2508 *Spanish-American War, Boxer Rebellion, Philippine Insurrection, peacetime service*. For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933), as amended, the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow*. The term "widow" of a veteran of the Spanish-American War, the Boxer Rebellion, or the Philippine Insurrection, shall mean a person who was married to the veteran prior to September 1, 1922: *Provided*, That as to awards approved on or after March 1, 1944, continuous cohabitation as described in § 5.2516 must be established (Public No. 242, 78th Congress, Act of March 1, 1944); of a peacetime veteran—who was married to the veteran prior to the expiration of ten years subsequent to his discharge from the enlistment during which the injury or disease, on account of which claim is being filed, was incurred. (§ 35.10 (e))

(b) *Child*. The term "child" shall mean the same as defined in § 5.2514 (c). (Public No. 144, 78th Congress)

(c) *Parent-father-mother*. The terms "parent," "father," and "mother" shall mean the same as defined in § 5.2514 (d). (Public No. 144, 78th Congress) (Public No. 242, 78th Congress)

§ 5.2512 *Spanish-American War, Boxer Rebellion and Philippine Insurrection—service acts as reenacted by Public No. 269, 74th Congress*. For the purposes of Public No. 269, 74th Congress (Act of August 13, 1935), as amended by Public No. 144, 78th Congress (Act of July 13, 1943), and Public No. 242, 78th Congress (Act of March 1, 1944), the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow*. For the purposes of the act of May 1, 1926, as reenacted by Public No. 269, 74th Congress (Act of August 13, 1935), the term "widow" of a veteran of the Spanish-American War, the Boxer Rebellion, or the Philippine Insurrection, shall mean a person who was married to the veteran prior to January 1, 1938. As to awards approved on or after March 1, 1944, and increases in pension under section 3, Public No. 242, 78th Congress, continuous cohabitation as described in § 5.2516 must be established: *Provided*,

That where the widow is entitled solely by virtue of the provisions of section 2, Public No. 242, 78th Congress, pension shall not be paid for any period prior to April 1, 1944. However, the \$50 rate is payable only when the widow was the wife of the veteran during his war service. (Public No. 242, 78th Congress, Act of March 1, 1944) (See § 5.2617.)

(b) *Remarried widow.* For the purposes of the Act of May 1, 1926 as reenacted by Public No. 269, 74th Congress (Act of August 13, 1935), the term "remarried widow" of a veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection shall mean a person who married the veteran prior to January 1, 1938 (Public No. 242, 78th Congress, Act of March 1, 1944), and who otherwise meets the definition of the term "widow", and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce on any ground except adultery on the part of the wife. (44 Stat. 382) (Public No. 242, 78th Congress)

PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

§ 5.2524 *Death of Indian War Veteran; Act of March 3, 1927.* For the purposes of the Act of March 3, 1927 (44 Stat. 1361), the widow, remarried widow, child or children of a person who served thirty days in any Indian war or campaign, or in connection with, or in the zone of any active Indian hostilities from January 1, 1817, to December 31, 1898, inclusive, and whose service was honorably terminated, the cause of death of the veteran being immaterial, shall be entitled to receive pension at the monthly rates specified in § 5.2630. (Public No. 245, 78th Congress)

§ 5.2526 *Death of Indian War veteran; Act of March 3, 1944.* (a) For the purposes of this Act the widow, remarried widow, child or children of a person who served thirty days or more, or for the duration of one of the campaigns cited in section 1 of the Act of March 4, 1917, even though such campaign was of less than thirty days duration, in any military organization, whether such person was regularly mustered into the service of the United States or not, but whose services was under the authority of or by the approval of the United States or any State or territory in any Indian war or campaign, or in connection with, or in the zone of, any active Indian hostilities in any of the States or territories of the United States from January 1, 1817, to December 31, 1898, inclusive, and whose service was honorably terminated, the cause of death being immaterial shall be entitled to receive pension at the monthly rates specified in § 5.2630.

(b) If a pension has been granted to an insane, idiotic or otherwise helpless child of the veteran or to a child or children of the veteran under sixteen years of age, the widow shall not be entitled to the pension authorized by section 3, Public No. 245, 78th Congress, until the pension to the child or children terminates, unless such child or children

be a member or members of her family and cared for by her; and when these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children shall cease; except that in the event the amount being paid to such child or children is less than the amount authorized to the widow, then the difference between said amounts shall be paid to the widow. (Public No. 245, 78th Congress)

COMMENCEMENT OF ORIGINAL AWARDS OF DEATH PENSION OR COMPENSATION

§ 5.2571 *Service Act, Indian Wars.* Original awards of death pension under the Service Act relating to the Indian wars (Act of March 3, 1927, 44 Stat. 1361), as amended shall commence:

(a) (1) *Widows.* The date of filing formal application, provided that where title is derived solely under the provisions of Public No. 245, 78th Congress (Act of March 3, 1944), pension shall commence from the date of filing claim after March 3, 1944.

(2) *Remarried widows.* The date of filing formal application. Remarried widows have no title under Public No. 245, 78th Congress. (Public No. 245, 78th Congress)

* * * * *

§ 5.2578 *Death pension payable solely by virtue of Public No. 242, 78th Congress.* The date of commencement of original awards of death pension payable solely as a result of the provisions of Public No. 242, 78th Congress, shall be the day following the date of death of the veteran or April 1, 1944, whichever is the later, if application is filed within one year from date of death, otherwise from date of filing application, but in no event prior to April 1, 1944. A claim pending on March 1, 1944, shall be considered a claim under this law. (Public No. 242, 78th Congress)

NOTE: § 5.2578, Special Acts, Code of Federal Regulations of the U. S. A., canceled April 24, 1944.

EFFECTIVE DATES OF INCREASE OF DEATH PENSION OR COMPENSATION

§ 5.2580 *Civil and Indian wars.* Under the provisions of the acts of June 9, 1930 (46 Stat. 529) and March 3, 1944 (Public No. 245, 78th Congress), increased pension on account of age of widows and remarried widows shall commence from the seventieth birthday: *Provided*, That as to widows of Indian war veterans in receipt of pension on March 3, 1944, the increased rates payable under Public No. 245, 78th Congress, by reason of attained age or because the widow was the wife of the soldier during his war service shall commence from the date of filing claim after March 3, 1944. (Public No. 245, 78th Congress)

§ 5.2582 *Public No. 2, and sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, or Public No. 242, No. 359, No. 667, No. 690, 77th Congress, and Public No. 242, 78th Congress.* The effective date of an award of increased pension or

compensation payable under Public No. 2, 73d Congress, sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, Public No. 242, No. 359, No. 667, No. 690, 77th Congress, and Public No. 242, 78th Congress, shall be fixed in accordance with the facts found; except that:

(a) No award of increased pension or compensation may be effective prior to the date of receipt of the evidence showing entitlement thereto; except that a widow who attains an age at which an increased rate is provided under § 35.011 or under section 3 of Public No. 304, 75th Congress, or under section 5 of Public No. 198, 76th Congress, or under section 1 of Public No. 690, 77th Congress, or under section 3 of Public No. 242, 78th Congress, shall be entitled to receive such increase effective on the date of attainment of the age at which an increase is authorized if evidence establishing the date of birth is on file on the date of attainment of such age or is received within one year from the date of the prescribed anniversary of the date of birth: *Provided*, That in original claims where the claimant has shown that she was past the age at which the minimum rate is payable at the date of filing her claim, the increased rate provided on account of age may be authorized as of the beginning date of the award or as of the date she attained the required age whichever is the later: *Provided*, That satisfactory proof of the fact and date of birth is received within one year from the date of request therefor: *Provided further*, That in no event will the increase be awarded from a date prior to the date authorized in the law or regulation invoked: *Provided further*, That any increase authorized for periods prior to September 1, 1941, under section 3 of Public No. 304, 75th Congress, or section 5, Public No. 198, 76th Congress, must be made subject to the conditions of paragraph (c) of this section: *Provided further*, That any increase authorized for periods beginning on or after September 1, 1941, under Public No. 242, 77th Congress, must be made subject to the conditions of paragraph (f) of this section. See § 5.2552. (Public No. 242, 78th Congress)

APPORTIONMENT OF DEATH PENSION OR COMPENSATION

§ 5.2591 *Conditions under which apportionments may be made.* * * *

(i) (1) *Rates payable.* * * *

(ii) When pension is payable under Public No. 190, 66th Congress (Act of May 1, 1920); Public No. 723, 69th Congress (Act of March 3, 1927) or Public No. 166, 69th Congress (Act of May 1, 1926) as reenacted by Public No. 269, 74th Congress (Act of August 13, 1935), apportioned rates shall be as follows:

Widow	\$21
Child	15
Each additional child	6
Total amount for children equally divided.	

The additional monthly payments provided by the Acts of May 23, 1928, June 9, 1930, March 1, 1944, and March 3, 1944, because of attained age of a widow of a

Civil War, Indian wars, Spanish-American War, Boxer Rebellion or Philippine Insurrection veteran shall be added to the widow's share. (Publics No. 242, 245, 78th Congress)

PROTECTED AWARDS; DEATH CASES

§ 5.2617 Protection of awards to widows of veterans of the Spanish-American War, Boxer Rebellion or Philippine Insurrection Granted Prior to March 1, 1944. The provisions of section 4, Public No. 242, 78th Congress, providing that no pension or increase in pension shall be allowed to the widow of a veteran of the War with Spain, Philippine Insurrection or the China Relief Expedition under any law unless there was continuous cohabitation from the date of marriage to the date of the death of the person who served except where there was a separation which was due to the misconduct of or procured by the person who served without the fault of the widow, shall not be construed so as to discontinue any pension granted prior to March 1, 1944. (Public No. 242, 78th Congress)

RATES OF DEATH PENSION AND COMPENSATION FOR WIDOWS, REMARRIED WIDOWS, CHILDREN AND DEPENDENT PARENTS

§ 5.2630 Indian Wars—(a) Widow.	
	Per month
Act of March 3, 1927	\$30.00
Act of March 3, 1944	30.00
70 Years of age or over	40.00
Wife during service	50.00
Additional for each child	6.00

(b) Remarried widow.

Act of March 3, 1927	\$30.00
Additional for each child	6.00

(Public, No. 245, 78th Congress)

§ 5.2634 War with Spain, Philippine Insurrection and Boxer Rebellion, Act of May 1, 1926, as reenacted by Act of August 13, 1935 (Public No. 269, 74th Congress); sections 1 and 7, Act of July 13, 1943 (Public No. 144, 78th Congress); Act of March 1, 1944 (Public No. 242, 78th Congress)—(a) (1) Widows and remarried widows.

Per month	
Widow or remarried widow	\$30.00
Additional for each child	6.00

Where there is a widow or remarried widow the additional amount of \$6 per month is applicable as to each child within the purview of either § 5.2502 (b) (1) or § 5.2514 (c). (See § 5.2512 (c).)

(2) Rates to widows and remarried widows (see § 5.2512) on and after April 1, 1944:

Per month	
Under 65 years of age	\$30.00
65 years of age or over	40.00
Wife during service	50.00

(b) Children. (1) The rates for children who are eligible by reason of the definition of the term "child" contained in § 5.2502 (b) (1), (see § 5.2512 (c)), are as follows:

Per month	
No widow but one child (plus \$6 per month for each additional child, equally divided)	\$36.00

The rate for a child or children entitled under this subparagraph is not affected

by any payments made to a child or children under subparagraph (2) over the same period of time.

(2) The rates for children who are eligible solely as a result of the definition of the term "child" contained in § 5.2514 (c), (see § 5.2512 (c)), such rates to be effective only for periods on and after July 13, 1943, are as follows:

	Per month
No widow but one child	\$15.00
No widow but two children (equally divided)	22.00
No widow but three children (equally divided) (with \$8 per month for each additional child, total amount to be equally divided)	30.00

The rate for a child or children entitled only under this subparagraph over any period of time that a child or children are entitled under subparagraph (1) will be the share to which such child or children would be entitled, if all of the children were awarded pension under this subparagraph.

As to a widow and child or children not in her care and custody, any amount payable under this paragraph may be apportioned as prescribed in §§ 5.2591 and 5.2592. (Public No. 242, 78th Congress)

[SEAL]

FRANK T. HINES,
Administrator.

APRIL 24, 1944.

[F. R. Doc. 44-5765; Filed, April 22, 1944;
5:00 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office
(Appendix)

[Circular 1571]

PART 70—MINERAL LANDS: COAL PERMITS AND LEASES AND PERMITS FOR FREE USE OF COAL

COAL LEASES

The coal regulations contained in the sections indicated below are amended as follows:

§ 70.10 Area. In accordance with the provisions of section 6 of the Act of October 20, 1914 (38 Stat. 743; 48 U.S.C. 440), as amended by the Act of February 21, 1944 (Public Law 231, 78th Cong.), the total area that may be held by any one lessee in one or more leases is 2,560 acres, and no person, association or corporation is permitted to take or hold any interest as a stockholder or otherwise in leases or applications therefor exceeding in the aggregate 2,560 acres. One or more contiguous leasing blocks within the acreage limitation may be embraced in one lease.

§ 70.11 Form and contents of application. Applications for lease must be under oath and should be filed in the proper district land office. No specific form of application is required and no blanks will be furnished, but the application should cover the following points:

(a) Applicant's name and address.
(b) Statement as to citizenship: In the case of an individual, whether native born or naturalized, and if naturalized,

date of naturalization, court in which naturalized, and the number of certificate if known, and if a woman, whether married or single, and if married, the date of marriage and the citizenship of her husband; of a corporation, by showing the residence and citizenship of its stockholders and filing a certified copy of its articles of incorporation. In case any of the stockholders of the corporation are aliens, their names, record addresses and the amount of stock held by each is required to be shown.

(c) A statement showing all leases and applications under the Act in which the applicant has any interest, direct or indirect. If applicant is a corporation it must also list the holdings of any single holder of a majority of its stock.

(d) A description of the leasing block or blocks desired, and the applicant's experience in coal mining, the amount of capital proposed as an investment under the lease, and references as to the financial standing of the applicant.

(e) A statement showing that the applicant filed his application on his own behalf and if not, for whom he is acting and what agreement, if any, he has with such persons on whose behalf he may be acting.

The footnote No. 7, "Coal leases," for §§ 70.8 to 70.18, is amended by eliminating therefrom the words "application (Form 4-031) and".

FRED W. JOHNSON,
Commissioner.

Approved: April 12, 1944.

OSCAR L. CHAPMAN,
Assistant Secretary.[F. R. Doc. 44-5731; Filed, April 22, 1944;
10:03 a. m.]

[Public Land Order 224]

MONTANA

REVOCATION OF LAND WITHDRAWAL FOR USE OF WAR DEPARTMENT

Revoking Public Land Order No. 137 of June 10, 1943, withdrawing public lands for use of the War Department as an aerial gunnery range.

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 137 of June 10, 1943, withdrawing public lands in the vicinity of Fort Peck, Montana, for the use of the War Department as an aerial gunnery range is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 137 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 o'clock a. m. of the sixty-third day from the date on which

it is signed, whereupon, the lands shall, subject to valid existing rights, become subject to such application, petition, location, or selection as may be authorized by the public-land laws in accordance with the provisions of 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L. D. 254), and 43 CFR Part 296, to the extent that these regulations are applicable.

OSCAR L. CHAPMAN,

Acting Secretary of the Interior.

APRIL 15, 1944.

[F. R. Doc. 44-5732; Filed, April 22, 1944; 10:03 a. m.]

[Circular 1572]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

SALE OF TIMBER

Section 115.42 is amended to read as follows:

§ 115.42 *Acceptance and rejection of bids.* The right is hereby reserved to waive technical defects in the advertisement; to reject all bids, or to award the timber for the amount of the highest bid to other than the highest bidder when necessary, pursuant to the act of August 28, 1937 (50 Stat. 874), in order to provide a continued supply of timber to local industry so as to assure the permanence of the community which is dependent upon such industry. Any award to other than the highest bidder, irrespective of the amount involved, shall be submitted to the Secretary of the Interior for his approval.

FRED W. JOHNSON,
Commissioner.

Approved: April 15, 1944,

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 44-5773; Filed, April 24, 1944; 10:54 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS

QUALIFIED MEMBERS OF THE ENGINE DEPARTMENT ON GREAT LAKES VESSELS

Vessels engaged in business connected with the conduct of the war.

The Acting Secretary of the Navy having by order dated 1 October, 1942 (7 F.R. 7979) waived compliance with the Navigation and Vessel Inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war, and,

The Acting Director of the Office of Defense Transportation having advised that a critical manpower situation has developed in Great Lakes transporta-

tion through reclassification by the Selective Service System of men of the ages of 22 to 26 and that, accordingly, it is necessary to relax the requirements of laws and regulations with respect to qualified members of the engine department on Great Lakes vessels.

Now therefore, I hereby find it to be necessary in the conduct of the war that there be waived compliance with the Navigation and Vessel Inspection laws administered by the United States Coast Guard, including regulations issued thereunder, in the case of any vessel on the Great Lakes engaged in business connected with the conduct of the war, to the following extent and in the following manner:

To the extent necessary to waive compliance with any such law or regulation imposing requirements for carrying as members of the crews of such vessels certificated seamen rated as qualified members of the engine department, or forbidding service in the engine department of such vessels without a certificate of service as a qualified member of the engine department.

Dated: April 22, 1944.

R. R. WAESCHE,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 44-5766; Filed, April 24, 1944; 9:19 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 200]

PART 95—CAR SERVICE

REICING OF POTATOES IN REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of April, A. D. 1944.

It appearing that shipments of potatoes in refrigerator cars are being reiced unnecessarily, thereby delaying unduly the movement of trains; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of railroad equipment and congestion of traffic:

It is ordered, That:

§ 95.337 *Refrigerator cars; reicing of potatoes—(a) Cars of potatoes not to be reiced in transit.* After the first or initial icing no common carrier by railroad subject to the Interstate Commerce Act after the effective date of this order shall allow or permit reicing, or a subsequent icing after the first or initial icing, of a refrigerator car or cars loaded with potatoes.

(b) *Application.* The provisions of this order shall apply to intrastate transportation as well as interstate transportation.

(c) *Tariff provisions suspended.* The operation of all traffic rules, regulations, or charges insofar as they conflict with

the provisions of this order is hereby suspended.

(d) *Announcement of suspension.* Each of such railroads or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(e) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., April 24, 1944; that a copy of this order and direction shall be served upon each State Commission; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-5808; Filed, April 24, 1944; 11:30 a. m.]

Chapter II—Office of Defense Transportation

[Administrative Order ODT 24]

PART 503—ADMINISTRATION

PROCEDURES AND DELEGATION OF AUTHORITY CONCERNING THE RATIONING OF FUEL OIL FOR USE IN WATER CRAFT

Pursuant to the Act of May 31, 1941, as amended, by the Second War Powers Act, 1942, and Executive Order 8989, as amended, and in order to provide a uniform procedure for the issuance of permits with respect to the rationing of fuel oil for vessels engaged in occupational uses, it is hereby ordered, that:

Sec.

- 503.430 Permits pursuant to Revised Ration Order 11, as amended.
- 503.431 Issuance of a permit.
- 503.432 Applicability.
- 503.433 Definitions.
- 503.434 Communications.

AUTHORITY: §§ 503.430 to 503.434, inclusive, issued under the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, 56 Stat. 176, 50 U. S. Code §§ 631 through 645a; E.O. 8989, 6 F.R. 6725 and 8 F.R. 14183.

§ 503.430 Permits pursuant to Revised Ration Order 11, as amended. The Assistant Director in Charge of Water Transport is hereby authorized and directed to execute and issue in his discretion and in the name of the Director

of the Office of Defense Transportation the permits concerning the rationing of fuel oil for the occupational use of boats for pleasure cruising, guiding or fishing parties or sightseeing, contemplated to be issued by the Office of Defense Transportation, referred to in Revised Ration Order 11, as amended. Any person desiring such a permit shall make application therefor to the Assistant Director in Charge of Water Transport, Office of Defense Transportation, Washington 25, D. C., by filing with the Assistant Director a copy of the application to be filed with the Office of Price Administration.

§ 503.431 Issuance of a permit. A permit shall be issued by the Assistant Director in Charge of Water Transport when he determines that the proposed operations of the boat or boats in which such fuel oil is to be used will not impede the war effort by the consumption of fuel oil that is needed for more essential transportation purposes, or will not require the use of manpower that is otherwise needed for more essential transportation purposes. No permit shall be issued with respect to the operation of a vessel that is to use gasoline or fuel oil other than that herein defined.

§ 503.432 Applicability. The provisions of this order shall be applicable only in the continental United States.

§ 503.433 Definitions. As used in this order, and unless otherwise indicated by the context, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(b) "Boat" means any water craft or other artificial contrivance of whatever description which is designed or converted for use, which is used, or is capable of being used, or is intended to be used, as a means of transportation by water.

(c) "Continental United States" means the 48 states and the District of Columbia.

(d) "Revised Ration Order 11, as amended" means an order so designated and issued by the Office of Price Administration and shall include all amendments heretofore or hereafter made to such order.

(e) "Fuel oil" means No. 5 or No. 6 or Bunker "C" fuel oil having an A. P. I. gravity of 20° or below.

(f) "Occupational use" shall have the same meaning as used or defined in Revised Ration Order 11, as amended.

§ 503.434 Communications. Communications concerning this order shall refer to "Administrative Order ODT 24" and, unless otherwise directed, shall be addressed to the Assistant Director in Charge of Water Transport, Office of

Defense Transportation, Washington 25, D. C.

This Administrative Order ODT 24 shall become effective April 22, 1944.

NOTE: The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 22d day of April 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-5781; Filed, April 24, 1944; 10:52 a. m.]

[Special Direction ODT 18A-3, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18A, as amended, paragraphs (b) and (c) of Special Direction ODT 18A-3 (8 F.R. 14485) are hereby amended to read as follows:

(b) When carload freight moving by water and thence by rail is transferred by a water carrier to a rail carrier for movement beyond in a closed car, such closed car shall be loaded in accordance with one of the following requirements: (1) to a net weight of 80,000 pounds, or (2) to the marked capacity of the car; or (3) to the extent shown in any special direction or general permit issued pursuant to the provisions of § 500.73 of General Order ODT 18A, as amended, or (4) a minimum of 2,500 cubic feet of loading space in such car shall be utilized.

(c) When carload freight moving by water and thence by rail is transferred by a water carrier to a rail carrier for movement beyond in an open car, such open car shall be loaded in accordance with one of the following requirements: (1) to a net weight of 100,000 pounds, or (2) to the marked capacity of the car, or (3) to the extent shown in any special direction or general permit issued pursuant to the provisions of § 500.73 of General Order ODT 18A, as amended, or (4) a minimum of 1,500 cubic feet of loading space in such car shall be utilized.

This Amendment 1 to Special Direction ODT 18A-3 shall become effective on April 24, 1944.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; Gen. Order ODT 18A, as amended, 8 F.R. 14477, 9 F.R. 116)

Issued at Washington, D. C., this 24th day of April 1944.

HENRY F. McCARTHY,
Director, Division of Traffic Movement,
Office of Defense Transportation.

[F. R. Doc. 44-5782; Filed, April 24, 1944; 10:52 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service, Bureau of the Public Debt.

[1944 Dept. Circ. 744]

7/8 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES D-1945

OFFERING OF CERTIFICATES, ETC.

APRIL 24, 1944.

I. Offering of certificates. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 7/8 percent Treasury Certificates of Indebtedness of Series D-1945, in exchange for Treasury Certificates of Indebtedness of Series C-1944, maturing May 1, 1944.

II. Description of certificates. 1. The certificates will be dated May 1, 1944, and will bear interest from that date at the rate of 7/8 percent per annum, payable semiannually on November 1, 1944, and May 1, 1945. They will mature May 1, 1945, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to

FEDERAL REGISTER, Tuesday, April 25, 1944

these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment at par for certificates allotted hereunder must be made on or before May 1, 1944, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series C-1944, maturing May 1, 1944, which will be accepted at par, and should accompany the subscription.

V. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] **HENRY MORGENTHAU, Jr.,**
Secretary of the Treasury.

[F. R. Doc. 44-5768; Filed, April 24, 1944;
10:40 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[A. O. 339]

PUERTO RICO

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO SPECIAL INDUSTRY COMMITTEE

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. John W. De Bruycker from Special Industry Committee No. 3 for Puerto Rico and do appoint in his stead as representative for the employers on such Committee, Miss Maria Luisa Arcelay of Mayaguez, Puerto Rico.

Signed at New York, New York, this 18th day of April 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-5777; Filed, April 24, 1944;
11:01 a. m.]

[A. O. 340]

SAINT CROIX, VIRGIN ISLANDS

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO SPECIAL INDUSTRY COMMITTEE

By virtue of and pursuant to the authority vested in me by the Fair Labor

Standards Act of 1938, as amended, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Robert W. Skeoch from a special industry committee for the municipality of Saint Croix, Virgin Islands, and do appoint in his stead as representative for the employers on such committee, Mr. Robert S. Fleming of Saint Croix, Virgin Islands.

Signed at New York, N. Y., this 20th day of April 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-5778; Filed, April 24, 1944;
11:01 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Purinton Pottery Company, Shippensburg, Pennsylvania; pottery ware; 10 learners (T); selector, finisher, decorator for a learning period of 320 hours at 30 cents per hour for the first 160 hours and 35 cents per hour for the next 160 hours; effective April 24, 1944, expiring October 24, 1944.

Weber Lifelike Fly Company, Stevens Point, Wisconsin; flies, snelled hooks, leaders; 16 learners (T); fly tier for a learning period of 480 hours at 30 cents per hour for the first 320 hours and 35 cents per hour for the next 160 hours; effective April 24, 1944, expiring October 24, 1944.

Signed at New York, New York, this 22d day of April 1944.

MERLE D. VINCENT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 44-5779; Filed, April 24, 1944;
11:01 a. m.]

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Cohoes Silk Undergarment Company, 31 Ontario Street, Cohoes, New York; gown, pajamas; 10 percent (T); effective April 20, 1944, expiring April 19, 1945.

Esskay Manufacturing Company, Kerrville, Texas; infants' and children's wear; 50

learners (E); effective April 24, 1944, expiring October 23, 1944.

The Grace Company, Belton, Missouri; pinafors, overalls, sunsuits, blouses, bibs; 10 percent (T); effective April 17, 1944, expiring April 16, 1945.

The Grace Company, Clinton, Missouri; pinafors, overalls, sunsuits, blouses, bibs; 10 percent (T); effective April 17, 1944, expiring April 16, 1945.

Liberty Trouser Company, 2209-11 First Avenue North, Birmingham, Alabama; overalls, unionalls and overall jackets, trousers; 10 percent (T); effective April 19, 1944, expiring April 18, 1945.

Lustberg, Nast & Company, Inc., 6th Avenue & Miflin Street, Lebanon, Pennsylvania; Navy jungle suits, Navy jumpers, trousers, mackinaws, jackets; 10 percent (T); effective April 18, 1944, expiring April 17, 1945.

Mount Carmel Manufacturing Company, Fifth and Walnut Streets, Mount Carmel, Pennsylvania; boys' shirts; 10 percent (T); effective April 23, 1944, expiring April 22, 1945.

Mt. Vernon Garment Company, 16th & Herbert Streets, Mt. Vernon, Illinois; house dresses and uniforms; 10 percent (T); effective April 20, 1944, expiring April 19, 1945.

Osgood and Sons, Inc., 349 East North Street, Decatur, Illinois; wash dresses, house-coats and robes; 10 percent (T); effective April 20, 1944, expiring April 19, 1945.

Phillips-Lester Manufacturing Company, 2300 First Avenue North, Birmingham, Alabama; work clothing, men's and boys' overalls and trousers; 10 percent (T); effective April 19, 1944, expiring April 18, 1945.

Press Dress & Uniform Company, Hummelstown, Pennsylvania; maids' and nurses' uniforms, women's work clothing and dresses; 10 percent (T); effective April 20, 1944, expiring April 19, 1945.

Rice-Stix Factory #10, Bonne Terre, Missouri; men's and boys' dress and sport shirts; 20 percent (AT); effective April 23, 1944, expiring October 22, 1944.

Rice-Stix Factory #15, Lebanon, Missouri; overalls, jumpers, work pants; 20 percent (AT); effective April 23, 1944, expiring October 22, 1944.

Rice-Stix Factory #25, First & South A. Streets, Farmington, Missouri; men's shirts; 20 percent (AT); effective April 23, 1944, expiring October 22, 1944.

I. Rodis & W. Mittleman, 437 South Street, Upper Mauch Chunk, Pennsylvania; children's dresses; 10 learners (T); effective April 17, 1944, expiring April 16, 1945.

Steward Manufacturing Company, Inc. 63 Central Avenue, Ossining, New York; dresses and sportswear; 10 percent (T); effective April 20, 1944, expiring April 19, 1945.

GLOVE INDUSTRY

Frederic H. Burnham Company, 1602 Tennessee Street, Michigan City, Indiana; work gloves, leather dress gloves; 10 percent (AT); effective April 25, 1944, expiring October 24, 1944.

Knoxville Glove Company, 815 McGhee Street, Knoxville, Tennessee; work gloves; 10 percent (AT); effective April 24, 1944, expiring October 23, 1944.

Montpelier Glove Company, Inc. 129 N. Main Street, Montpelier, Indiana; work gloves; 5 percent (T); effective April 18, 1944, expiring April 17, 1945.

Scotsmoor Company, Inc. Broadalbin, New York; knit wool gloves; 5 learners (T); effective April 20, 1944, expiring April 19, 1945.

Wool Products Industries, Inc. 980 Kent Street, St. Paul, Minnesota; children's woolen fabric mittens; 5 learners (T); effective April 20, 1944, expiring April 19, 1945.

HOSIERY INDUSTRY

Joseph Black & Sons Company, 1200 W. Market Street, York, Pennsylvania; seamless

hosiery; 5 percent (T); effective April 17, 1944, expiring April 16, 1945.

Crewe Hosiery Company, Inc., Crewe, Virginia; full-fashioned hosiery; 10 learners (AT); effective April 17, 1944, expiring October 16, 1944.

Debonair Full Fashioned Mills, Inc., Cleveland, Tennessee; full-fashioned hosiery; 10 learners (AT); effective April 17, 1944, expiring October 16, 1944.

Holeproof Hosiery Company, Rose Lane Street, Marietta, Georgia; seamless hosiery; 30 learners (AT); effective April 21, 1944, expiring October 20, 1944.

Holston Manufacturing Company, Ninth Avenue & Mitchell Street, Knoxville, Tennessee; seamless hosiery; 5 percent (T); effective April 21, 1944, expiring April 20, 1945.

Interwoven Stocking Company, Morristown, Tennessee; seamless hosiery; 10 percent (AT); effective April 17, 1944, expiring October 16, 1944.

Long Finishing Mills, Inc., Trade & Worth Streets, Burlington, North Carolina; full-fashioned and seamless hosiery; 10 percent (AT); effective April 23, 1944, expiring October 22, 1944.

Newman Hosiery Mills, Inc., Berry Avenue, Newman, Georgia; seamless hosiery; 10 percent (AT); effective April 25, 1944, expiring October 24, 1944.

Princeton Hosiery Mills, Inc., Princeton, Kentucky; full-fashioned and seamless hosiery; 5 percent (T); effective April 20, 1944, expiring April 19, 1945.

Radford Knitting Mills, Norwood Street, Radford, Virginia; full-fashioned hosiery; 10 learners (AT); effective April 20, 1944, expiring October 19, 1944.

S. & W. Hosiery Mills, Athens, Tennessee; seamless hosiery; 5 learners (T); effective April 21, 1944, expiring October 20, 1944.

Sterling Hosiery Mills, Inc., Spindale, North Carolina; full-fashioned hosiery; 10 learners (AT); effective April 24, 1944, expiring October 23, 1944.

Van Raalte Company, Inc., Blue Ridge, Georgia; full-fashioned hosiery; 10 percent (AT); effective April 22, 1944, expiring October 21, 1944.

TEXTILE INDUSTRY

The Trion Company—Grey Mill, Trion, Georgia; cotton; 3 percent (T); effective April 23, 1944, expiring April 22, 1945.

Signed at New York, N. Y., this 22d day of April 1944.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 44-5780; Filed, April 24, 1944;
11:01 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6581]

WORTH KRAMER, ET AL.

NOTICE OF HEARING

In re application of Worth Kramer (transferor) and Eugene R. Custer and Richard M. Venable (transferees); date filed, December 10, 1943 for relinquishment of control of Kanawha Valley Broadcasting Co. (WGKV), Charleston, West Virginia; class of service, Broadcast; class of station, Broadcast; location, Charleston, West Virginia; operating assignment specified: Frequency 1490 kc; Power, 100 w; Hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-entitled application and has designated the matter for hearing to be consolidated with the application of Kanawha Valley Broadcasting Company, Docket No. 6558, for the following reasons:

1. To determine whether the applicant, in its applications for modification of construction permit and for license, following construction, for the operation of Station WGKV, made full disclosure as to all parties in interest in the applicant corporation, the distribution of the stock of said corporation and outstanding options for stock therein.

2. To obtain full information in connection with the financing of the construction of the station and the issuance of stock and options for stock in the applicant corporation, to John A. Kennedy and other parties.

3. To obtain full information respecting the manner in which and by whom the station has been and is now being operated.

4. To determine whether the statements and representations made to the Commission in the various applications and documents filed on behalf of the applicant, its officers, directors and agents, fully and accurately reflect the facts, or whether same were false, and misleading.

5. To determine what contracts, options, or other instruments or oral agreements or understandings have been executed or entered into relative to the transfer of stock in the licensee corporation, and whether same were filed with the Commission as required by its Rules, particularly § 43.1.

6. To determine whether the license granted for the operation of Station WGKV, or the rights and/or responsibilities incident thereto, have been, in any manner, either directly or indirectly, transferred, assigned or in any manner disposed of, without the consent of the Commission, as provided by the provisions of the Communications Act of 1934, as amended, and particularly, section 310 (b) thereof.

7. To determine whether the statements made to the Commission with reference to the sale and transfer of stock of the licensee corporation by W. A. Carroll to Worth Kramer and whether the representations made to the Commission by said Kramer with reference thereto and as to the source of the funds used in purchasing said stock, were true or false.

8. To obtain full information on all transactions relating to all transfers of the stock of the licensee corporation.

9. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by granting the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such

issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The transferor's address is as follows: Worth Kramer, 210 Dickinson Street, Charleston 1, West Virginia. The transferees' addresses are as follows: Eugene R. Custer, 2602 Kanawha Avenue, S. E., Charleston, West Virginia; Richard M. Venable, R. R. #1, Box, 48, Charleston, West Virginia. The licensee's address is as follows: Kanawha Valley Broadcasting Co., Radio Station WGKV, Empire Building, 208 Dickson Street, Charleston 1, West Virginia.

Dated at Washington, D. C., April 20, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-5792. Filed, April 24, 1943;
11:26 a. m.]

[Docket No. 6583]

CALUMET BROADCASTING CORP.

NOTICE OF HEARING

In re application of Calumet Broadcasting Corporation (New); date filed December 9, 1943, for construction permit; class of service, Broadcast; class of Station, Broadcast; location, Hammond, Indiana; operating assignment specified: Frequency, 1520 kc; power, 5-kw; hours of operation, daytime.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To obtain full information with reference to the method of financing the applicant corporation and the issuance, ownership, transfer and control of the stock of the applicant corporation.

3. To obtain full information with reference to the acquisition of stock in application corporation by George F. Courier and Doris Keane.

4. To determine whether the statements and representations made to the Commission in the application and documents filed on behalf of the applicant corporation, its officers, directors and agents, fully and accurately reflect the facts.

5. To determine what contracts, or agreements, or understandings have been executed or entered into relative to the transfer of stock in the licensee corporation, and whether full information has been presented to the Commission relative thereto.

6. To determine the source of funds used in the purchase of equipment and

other property by the licensee and the plans of meeting the operating expenses in the event of a grant of the instant application.

7. To determine and obtain full information as to the means and methods used by the applicant's controlling stockholders, George F. Courier and Doris Keane, in acquiring control of the Hammond-Calumet Broadcasting Corporation and the financial transactions involving the issuance, ownership and transfer of stock of said corporation.

8. To obtain full information as to the various financial statements and information prepared, submitted and offered by George F. Courier and Doris Keane with respect to the Hammond-Calumet Broadcasting Company.

9. To determine the areas and populations which would receive primary service from the operation of the proposed station and what other broadcast service is available to those areas and populations.

10. To determine whether the proposed station would provide primary service to the Chicago metropolitan district as contemplated by the Standards of Good Engineering Practice.

11. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by granting the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Calumet Broadcasting Corporation, 165 N. Michigan Avenue, Chicago, Illinois.

Dated at Washington, D. C., April 20, 1944.

By the Commission,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-5793; Filed, April 24, 1944;
11:26 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5886]

CALIFORNIA ELECTRIC POWER COMPANY

NOTICE OF APPLICATION

APRIL 19, 1944.

Notice is hereby given that on April 18, 1944, an application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of California, Arizona and Nevada, with its principal business office at River-

side, California, seeking an order authorizing the acquisition by it, by merger, of all of the electric facilities and properties (except certain land) owned by Leonard P. Wikoff, doing business under the fictitious name of Leonard P. Wikoff Electric Light and Power, and/or an order approving the contract for the purchase by Applicant of such facilities and properties to the extent that the same may involve an issue of securities, or in the alternative, an order dismissing the application for lack of jurisdiction. The facilities to be acquired by the Applicant consist of all electric properties (except certain land) owned by the aforesaid Leonard P. Wikoff, doing business as Leonard P. Wikoff Electric Light and Power, located in and in the vicinity of and serving, the unincorporated community of Twenty Nine Palms, in San Bernardino County, California. The Applicant proposes to pay Leonard P. Wikoff a sum equal to the original cost of the properties depreciated as determined by the California Railroad Commission plus \$25,000. It is estimated that the purchase price will be approximately \$100,000, and by the terms of the agreement of sale and purchase, \$10,000 of the purchase price will be payable upon delivery of possession of the properties, \$15,000 thereof on January 2, 1945, and the balance in equal annual installments on the second day of each January until and including January 2, 1956; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 10th day of May, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-5730; Filed, April 22, 1944;
10:03 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5106]

VAWNE FOUNDATIONS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of April, A. D. 1944.

In the matter of Arthur R. Lewis and Ben A. Hensler, individually and as co-partners trading as Vawne Foundations.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on

Friday, May 5, 1944, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Hearing Room, Hotel St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-5733; Filed, April 22, 1944;
10:43 a. m.]

[Docket No. 5051]

AL ROSENFIELD, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of April, A. D. 1944.

In the matter of Al Rosenfeld, Inc., a corporation, and Al Rosenfeld and S. Theodore Lande, individually and as officers of Al Rosenfeld, Inc., a corporation.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 2, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Hearing Room, Hotel St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-5734; Filed, April 22, 1944;
10:43 a. m.]

[Docket No. 5034]

GOOD VALUE BARGAIN HOUSE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of April, A. D. 1944.

In the matter of Peter Galasso and Herman Daniel, individuals trading and

doing business as Good Value Bargain House.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 8, 1944, at ten o'clock in the forenoon of that day (Eastern standard time), in Hearing Room, Hotel St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-5735; Filed, April 22, 1944;
10:42 a. m.]

[Docket No. 5005]

WATTS-WAGNER CO., INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of April, A. D. 1944.

In the matter of Watts-Wagner Co., Inc., a corporation, Allen P. Wagner and William W. Wagner, individually and as officers of Watts-Wagner Co., Inc.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, April 26, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Hearing Room of the Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-5736; Filed, April 22, 1944;
10:42 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70A, Special Permit 206]

RECONSIGNMENT OF ASPARAGUS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, April 19, 1944, by Sepron District Company, of car RD 4274, asparagus, now on the Chicago Produce Terminal to Buffalo, New York.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of April 1944.

R. S. BOOTH,
Acting Director,
Bureau of Service.

[F. R. Doc. 44-5738; Filed, April 22, 1944;
11:32 a. m.]

[S.O. 70-A, Special Permit 207]

RECONSIGNMENT OF ORANGES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, April 19, 1944, by Austen Company, of car FGE 51335, oranges, now on the Chicago Produce Terminal to Minneapolis, Minnesota.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it

with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of April 1944.

R. S. BOOTH,
Acting Director,
Bureau of Service.

[F. R. Doc. 44-5739; Filed, April 22, 1944;
11:32 a. m.]

[S. O. 70-A, Special Permit 208]

RECONSIGNMENT OF POTATOES AT CHICAGO,
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, (C. N. W.) April 19, 1944, by National Produce Company, of car ART 20070, potatoes, now on the Wood Street Terminal to Evansville, Indiana.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of April 1944.

R. S. BOOTH,
Acting Director,
Bureau of Service.

[F. R. Doc. 44-5740; Filed, April 22, 1944;
11:32 a. m.]

[S. O. 70-A, Special Permit 209]

RECONSIGNMENT OF POTATOES AT CHICAGO,
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois (C. N. W.), April 19, 1944, by Bacon Brothers, of car PFE 28739, potatoes, now on the Wood Street Terminal to Rushville, Indiana.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice

of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of April 1944.

R. S. BOOTH,
Acting Director,
Bureau of Service.

[F. R. Doc. 44-5741; Filed, April 22, 1944;
11:32 a. m.]

[S. O. 103, Special Permit 8]

SHIPMENT OF CANADIAN MALTING BARLEY
AT DULUTH, MINN.

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.4, 8 F.R. 572) of Service Order No. 103 of January 12, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 103 insofar as it applies to the acceptance and movement by railroad of 25,000 bushels of Canadian malting barley shipped by the Russell-Miller Milling Company Duluth, Minnesota, to destination in Mexico, provided shipper will advise car numbers and dates of shipment of each car.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of April 1944.

R. S. BOOTH,
Acting Director,
Bureau of Service.

[F. R. Doc. 44-5742; Filed, April 22, 1944;
11:32 a. m.]

[S. O. 164, Special Permit 29]

REFRIGERATION OF CITRUS FRUIT AT LAKE
LAND, FLA.

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to PFE 20397 a mixed car of citrus fruit from Franzblau Company, Lakeland, Florida, consigned to the Great Bend Army Air Base, Great Bend, Kansas, with stop-off for partial unloading at Kansas City, Missouri-Kansas. Originating carrier Atlantic Coast Line.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of April 1944.

R. S. BOOTH,
Acting Director,
Bureau of Service.

[F. R. Doc. 44-5743; Filed, April 22, 1944;
11:32 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 227]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS
IN RHODE ISLAND

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947, 2793, 3264, 3357), a copy of which plan is attached hereto as Appendix 2¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully per-

¹ Filed as part of the original document.

missible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the Supplementary Order number which appears in the caption on page 1 hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective April 26, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of April 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

1. M. & M. Transportation Co. (a corporation), Somerville, Mass.
2. N. E. Carrier Corp. (a corporation), Paterson, N. J.
3. Malcolm McLean, Jr., doing business as McLean Trucking Co., Fayetteville, N. C.
4. A. B. & C. Motor Transp. Co. Inc. (a corporation), Fitchburg, Mass.

5. Harrison Motor Freight (a corporation), Hillside, N. J.

6. William H. Watt and Robert A. Watt, doing business as Watt Bros. (a copartnership), Central Falls, R. I.

7. Lefrancois Transfer & Teaming Co. (a corporation), Woonsocket, R. I.

[F. R. Doc. 44-5737; Filed, April 22, 1944; 11:23 a. m.]

[Supp. Order ODT 3, Rev. 31, Revocation]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN LOUISVILLE AND OWSINGSVILLE, KY.

Upon consideration of a notice filed with the Office of Defense Transportation pursuant to § 501.9 (d) of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357), by Edwin N. Yearly, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised-31 (8 F.R. 8689) be, and it is hereby, revoked, effective April 24, 1944.

Issued at Washington, D. C., this 24th day of April 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-5783; Filed, April 24, 1944; 10:52 a. m.]

[Supp. Order ODT 3, Rev. 40, Amdt. 1]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN ILLINOIS AND MISSOURI

Upon consideration of a notice filed with the Office of Defense Transportation pursuant to § 501.9 (d) of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357) by carriers subject to Supplementary Order ODT 3, Revised-40 (8 F.R. 9584), and good cause appearing therefor, *It is hereby ordered*, That:

Supplementary Order ODT 3, Revised-40, be, and it is hereby amended by eliminating Knaus Truck Lines, Inc., of Kansas City, Missouri, as a carrier subject thereto, and by substituting in lieu thereof Ezra Knaus and Mary Jane Knaus, doing business as Knaus Truck Lines (Lessee and Operator of Knaus Truck Lines, Inc.) of Kansas City, Missouri.

Issued at Washington, D. C., this 24th day of April 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-5784; Filed, April 24, 1944; 10:52 a. m.]

[Supp. Order ODT 3, Rev. 58, Amdt. 1]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN ILLINOIS AND MISSOURI

Upon consideration of a notice filed with the Office of Defense Transportation

pursuant to § 501.9 (d) of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357), by carriers subject to Supplementary Order ODT 3, Revised-58 (8 F.R. 12109), and good cause appearing therefor, *It is hereby ordered*, That:

Supplementary Order ODT 3, Revised-58, be, and it is hereby, amended by eliminating Knaus Truck Lines, Inc., of Kansas City, Missouri, as a carrier subject thereto, and by substituting in lieu thereof Ezra Knaus and Mary Jane Knaus, doing business as Knaus Truck Lines (Lessee and Operator of Knaus Truck Lines, Inc.) of Kansas City, Missouri.

Issued at Washington, D. C., this 24th day of April 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-5785; Filed, April 24, 1944; 10:52 a. m.]

[Supp. Order ODT 3, Rev. 71, Amdt. 1]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI AND ILLINOIS

Upon consideration of a notice filed with the Office of Defense Transportation pursuant to § 501.9 (d) of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357), by carriers subject to Supplementary Order ODT 3, Revised-71 (8 F.R. 13409), and good cause appearing therefor, *It is hereby ordered*, That:

Supplementary Order ODT 3, Revised-71, be, and it is hereby, amended by eliminating Knaus Truck Lines, Inc., of Kansas City, Missouri, as a carrier subject thereto, and by substituting in lieu thereof Ezra Knaus and Mary Jane Knaus, doing business as Knaus Truck Lines (Lessee and Operator of Knaus Truck Lines, Inc.) of Kansas City, Missouri.

Issued at Washington, D. C., this 24th day of April 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-5786; Filed, April 24, 1944; 10:52 a. m.]

[Supp. Order ODT 3, Rev. 226]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN TEXAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 957, 2793, 3264, 3357) a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination of operations is necessary in

order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*. That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intra-state operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective April 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of April 1944.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

APPENDIX 1

1. North East Texas Motor Lines, Inc. (a corporation), Paris, Tex.

2. W. A. Johnson (an individual), doing business as Johnson Motor Lines, Fort Worth, Tex.

[F. R. Doc. 44-5787; Filed, April 24, 1944; 10:52 a. m.]

[Supp. Order ODT 3, Rev. 228]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS
IN NEW YORK

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947, 2793, 3264, 3357), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*. That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges,

operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intra-state operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective April 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of April 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

¹ Filed as part of the original document.

APPENDIX 1

1. Finnegan's Express & Storage, Inc., Newburgh, N. Y.
2. Newburgh Transfer, Inc., Newburgh, N. Y.
3. Weston Transfer Co., Inc., Newburgh, N. Y.
4. Harry B. Miller, doing business as Southern Tier Trucking Co., Middletown, N. Y.
5. Daniel Rose and Carl Scherf, doing business as Liberty-Middletown Express (a partnership), Middletown, N. Y.
6. Jacob T. Roberts, Jr., doing business as Roberts Motor Express, Catskill, N. Y.
7. Alonzo Ralph Townsend, doing business as Townsend's Express, Peekskill, N. Y.
8. Robert Halstead, doing business as Halstead's Express, Newburgh, N. Y.
9. Dave Mendel and Irving Polsky, doing business as Mountain Top Express (a partnership), Kingston, N. Y.
10. Clarence O. Wyatt, doing business as Albany-Beacon Express, Poughkeepsie, N. Y.

[F. R. Doc. 44-5788; Filed, April 24, 1944;
10:53 a. m.]

[Supp. Order ODT 3, Rev. 230]

COMMON CARRIERS

REGISTRATION OFFICE AT PARKERSBURG,
W. VA., FOR HOUSEHOLD GOODS MOTOR
CARRIERS

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of household goods, filed with the Office of Defense Transportation by the motor carriers named in the appendix hereof, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357), and good cause appearing therefor, *It is hereby ordered*, That:

1. The carriers and each of them, named in Appendix 1 hereof (hereinafter collectively called "carriers"), respectively, in the transportation of shipments of household goods as common carriers by motor vehicle, shall establish an office (hereinafter referred to as "registration office") at Parkersburg, West Virginia, to facilitate the movement of such shipments, in the following manner:

(a) Each carrier shall register with the registration office shipments which the carrier may be unable to transport by reason of the restrictions contained in General Order ODT 43 (9 F.R. 3261);

(b) Each carrier shall register with the registration office all empty or partially loaded equipment for which the carrier has no shipments available;

(c) The manager or employees of the registration office shall advise the carriers as to shipments registered and empty equipment or the unloaded space therein which is available: *Provided*, That nothing herein contained shall be construed to authorize the manager or any employee of the registration office to dispatch equipment, direct traffic, or exercise any supervision or control over the movement of any shipment, or part thereof, in any manner whatsoever;

(d) The manager of the registration office, and each carrier, shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe, subject to the

approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Such records shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation; and

(e) The cost of maintaining the registration office shall be apportioned among the carriers as they shall agree on, or in the event the carriers are unable to agree thereon, shall be apportioned as the Office of Defense Transportation shall determine and direct.

2. Shipments exchanged pursuant to this order shall be exchanged in accordance with the following conditions:

(a) All shipments shall be transported to point of destination on the bill of lading of the carrier with whom the shipper entered into the contract of carriage;

(b) Except as may be otherwise provided by agreement between the interested carriers or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenue derived from transportation of a shipment exchanged, and from storage in transit, packing and unpacking, and other accessorial services pertaining thereto, shall be as determined and directed by the Office of Defense Transportation;

(c) The rates and charges applicable to the transportation, storage in transit, packing and unpacking, and other accessorial services performed in respect of any shipment shall be the lawfully applicable rates and charges of the carrier with whom the shipper entered into the contract of carriage;

(d) The duties and obligations of the originating carrier to the shipper shall not be altered by an exchange made pursuant hereto; and

(e) The carriers shall not exchange shipments with each other except as provided herein.

3. Any common carrier by motor vehicle, duly authorized or permitted to engage in the transportation of household goods, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., for authorization to participate in the functioning of the registration office established pursuant hereo. A copy of every such application shall be served upon the manager of the registration office. Upon receiving such authorization, such carrier shall become subject to this order and shall thereupon be entitled and required to participate in the functioning of the registration office in accordance with all the provisions and conditions of this order, in the same manner and degree as the carriers named in Appendix 1 hereof.

4. Nothing contained in this order shall be so construed or applied as to relieve any carrier subject hereto from registering with district offices and obtaining clearance authority as provided in General Order ODT 43 (9 F.R. 3261), or required by any other General Order, or as to relieve any carrier from any

other requirements of the Office of Defense Transportation, or from any other regulatory or legal requirement, or as to require or permit any carrier to perform any transportation service not authorized or sanctioned by law, or to render any service beyond its transportation capacity, or to alter its legal liability to any shipper or other carrier.

5. Each carrier subject to this order engaged in interstate transportation shall file a copy of this order with the Interstate Commerce Commission, and, if engaged in intrastate commerce, shall file a copy hereof with each appropriate State regulatory body having jurisdiction over any operations affected hereby.

6. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-230," and unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This supplementary order shall become effective on April 28, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of April 1944.

J. M. JOHNSON,

Director,

Office of Defense Transportation.

APPENDIX 1

George L. Buckley, doing business as George L. Buckley Transfer & Storage, Parkersburg, W. Va.

Tom S. Hannan, Parkersburg, W. Va.
Citizens Transfer & Storage Co., Parkersburg, W. Va.

Athey Brooks Motors, Inc., Parkersburg, W. Va.

[F. R. Doc. 44-5789; Filed, April 24, 1944;
10:53 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[RO 5C,¹ Order 3]

MILEAGE RATIONING: GASOLINE REGULATIONS

AUTHORIZATION TO ACCEPT CLASS R COUPONS

Pursuant to the authority conferred upon the Deputy Administrator in Charge of Rationing by § 1394.8153 (b) (4) (iv) of Ration Order No. 5C, as amended, the following order is prescribed:

(a) *Findings.* Under the laws of the State of Kansas tax exempt gasoline for non-highway purposes may be sold to consumers by licensed distributors only, and such transfers must be made in quantities of forty gallons or more. The purchaser of tax exempt gasoline must present to the seller an exemption permit and a signed exemption statement.

Exemption permits and statements are issued by the State Director of Revenue

¹ 8 F.R. 15937.

of the Commission of Revenue and Taxation to any person who satisfies the Director that he needs gasoline for non-highway uses and that gasoline obtained on exemption statements will only be used for such purposes. The exemption statement, which is executed in triplicate at the time of sale, is signed by both the seller and purchaser and stipulates the amount and kind of gasoline transferred. Copies of the exemption statement are retained by the buyer and seller and the original is transmitted to the State Director in lieu of taxes.

If gasoline which is obtained on a tax exemption statement is used for other than non-highway purposes, the purchaser's exemption permit is revocable by the State Director. In Kansas there are approximately 1,100 licensed distributors who have qualified to make tax exempt sales of gasoline. Each distributor is required to maintain and keep, for a period of two years, a full record or records of all motor vehicle fuels received, used or sold by such distributor, together with invoices and bills of lading and such other pertinent papers as may be required by the State Director. In substance, the laws of the State of Kansas carefully safeguard the sale of tax exempt gasoline, and contain strict standards in order to assure that such transfers will be made for non-highway purposes. The use of the exemption statement and the keeping of full records will enable the investigators of the Office of Price Administration to determine whether or not prohibited transfers are being made. Hence, it appears that authority may be extended to licensed distributors located in the State of Kansas to make tax exempt transfers of gasoline in exchange for Class R coupons to persons who have been issued exemption permits and exemption statements without facilitating the unlawful acquisition of Class R coupons.

(b) *Order.* It is hereby ordered that licensed distributors in the State of Kansas who are permitted by that State to make tax exempt sales of gasoline are authorized to accept Class R coupons at their retail facilities for such tax exempt sales where these sales are made in quantities of forty gallons or more and are made as tax exempt sales in compliance with the laws of the State of Kansas.

(c) *Definitions.* The definition of terms and rules of construction contained in § 1394.7551 of Ration Order 5C shall apply to this order.

(d) *Effective period.* This order shall become effective April 21, 1944, and shall remain in effect until modified or revoked.

(Pub. Laws 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 21st day of April 1944.

COL. BRYAN HOUSTON,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 44-5713; Filed, April 21, 1944;
4:46 p. m.]

[MPR 120, Order 719]

HO-MAR COAL COMPANY

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 719 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Establishing maximum prices and price classifications for coals of Ho-Mar Coal Company.

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

(a) The Ho-Mar Nos. 1, 2 and 3 Mines of Ho-Mar Coal Company, located in Somerset County, Pennsylvania, in Subdistrict No. 33 of District No. 1, are hereby assigned Mine Index Nos. 5022, 5023 and 5048, respectively.

(b) Coals produced by Ho-Mar Coal Company, Pittsburgh, Pennsylvania, at its Ho-Mar Nos. 1, 2 and 3 Mines, Mine Index Nos. 5022, 5023 and 5048, respectively, in District No. 1, for the indicated uses and movements, are hereby classified as follows, and may be sold and purchased at per net ton prices not exceeding the following:

HO-MAR NO. 1 MINE

	Size group No.				
	1	2	3	4	5
Price classification	A	A	A	A	C
Rail shipment	\$3.85	\$3.70	\$3.60	\$3.45	\$3.30
Truck shipment	3.85	3.60	3.60	3.50	3.30
Railroad locomotive fuel	3.20	3.20	3.05	2.95	2.95

HO-MAR NOS. 2 AND 3 MINES

	Size group No.				
	1	2	3	4	5
Price classification	E	E	E	E	E
Rail shipment	\$3.55	\$3.35	\$3.35	\$3.15	\$3.15
Truck shipment	3.65	3.40	3.40	3.30	3.20
Railroad locomotive fuel	3.20	3.20	3.05	2.95	2.95

(c) The maximum prices established herein are f. o. b. the mine for truck

	Size groups										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications	L	L	J	J	J	J	K	K	K		
Rail shipments	\$2.75	\$2.75	\$2.50	\$2.50	\$2.50	\$2.40	\$2.20	\$2.20	\$2.10		
Truck shipments	4.25	4.25	4.25	3.85	3.75	3.75	3.75	3.25	2.90	\$2.90	\$2.55
Railroad fuel	2.90	2.90	2.90	2.90	2.90	2.75	2.35	2.35	2.35	2.35	

(c) The maximum prices established herein are f. o. b. the mine for truck shipment and f. o. b. the rail shipping point for rail shipment and for railroad fuel use.

(d) This order may be revoked or amended at any time.

(e) All prayers of the applicant not granted herein are hereby denied.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regula-

ships, and f. o. b. the rail shipping point for rail shipments and for railroad locomotive fuel.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This order may be revoked or amended at any time.

(f) All prayers of the applicant not granted herein are hereby denied.

This order shall become effective April 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R.)

Issued this 22d day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5756; Filed, April 22, 1944;
3:05 p. m.]

[MPR 120, Order 720]

FARRAR AND NAGODE

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 720 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Establishing price classifications and maximum prices for coals of Farrar and Nagode.

For the reasons given in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Farrar & Nagode Mine No. 1 of Farrar & Nagode, Washington County, Pennsylvania, Subdistrict No. 7 in District No. 2 is hereby assigned Mine Index No. 4030 and classified in Railroad Fuel Price Group No. 2.

(b) Coals produced by Farrar & Nagode at their Farrar & Nagode Mine No. 1, Mine Index No. 4030, located in Washington County, Pennsylvania in District No. 2 for the use indicated by methods of transportation appearing herein, may be sold and purchased at per net ton prices not exceeding the following:

	Size groups										
	1	2	3	4	5	6	7	8	9	10	11
Price classifications	L	L	J	J	J	J	K	K	K		
Rail shipments	\$2.75	\$2.75	\$2.50	\$2.50	\$2.50	\$2.40	\$2.20	\$2.20	\$2.10		
Truck shipments	4.25	4.25	4.25	3.85	3.75	3.75	3.75	3.25	2.90	\$2.90	\$2.55
Railroad fuel	2.90	2.90	2.90	2.90	2.90	2.75	2.35	2.35	2.35	2.35	

(c) The maximum prices established herein are f. o. b. the mine for truck shipment and f. o. b. the rail shipping point for rail shipment and for railroad fuel use.

This order shall become effective April 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5757; Filed, April 22, 1944;
3:05 p. m.]

[MPR 120, Order 721]

CRYSTAL LAKES COAL CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 721 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant.

Establishing price classifications and maximum prices for coals of the Crystal Lakes Coal Company.

For the reasons given in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; it is ordered:

Size groups												
1	2	3	4	5	6	7	8	9	10	11	12	13
\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40
3.15	3.10	3.05	2.95	2.90	2.85	2.80	2.75	2.70	2.65	2.60	2.55	2.50

RAILROAD LOCOMOTIVE FUEL.

Mine run, modified mine run, lump and double screened coal,..... \$2.40
Screenings not exceeding 2" x 0..... 1.85

(e) The maximum prices established herein are f. o. b. the mine for truck shipment and f. o. b. the rail shipping point for rail shipment and for railroad locomotive use.

(f) This order may be revoked or amended at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein. This order shall become effective April 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22nd day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5758; Filed, April 22, 1943; 3:06 p. m.]

[MPR 120, Order 721]

CRYSTAL LAKES COAL COMPANY

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 721 under Maximum Price Regulation No. 11, is hereby assigned Mine Index No. 2005 and classified in Price Group No. 1.

(b) Coals produced by the Crystal Lakes Coal Company at its Crystal Lakes Mine, Mine Index No. 2005, located in Vermillion County, Indiana, in District No. 11, for uses indicated and by methods of transportation appearing herein, may be sold and purchased at per net ton prices not exceeding the following:

Size groups												
1	2	3	4	5	6	7	8	9	10	11	12	13
\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40
3.15	3.10	3.05	2.95	2.90	2.85	2.80	2.75	2.70	2.65	2.60	2.55	2.50

[MPR 120, Order 722]

WEST GULF COAL CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 722 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Establishing price classifications and maximum prices for coals of the West Gulf Coal Company.

For the reasons given in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, it is ordered:

(a) The Maryland Mine of the West Gulf Coal Company of Wyoming County, West Virginia, Subdistrict No. 5, District No. 7, is hereby assigned Mine Index No. 1025.

(b) Coals produced by the West Gulf Coal Company at its Maryland Mine, Mine Index No. 1025, located in Wyoming County, West Virginia in District No. 7, for the uses indicated and by methods of transportation appearing herein, may be sold and purchased at per net ton prices not exceeding the following:

Size groups												
1	2	3	4	5	6	7	8	9	10	11	12	13
\$4.35	\$4.45	\$4.10	\$3.55	\$3.45	\$3.80	\$3.50	\$3.30	\$3.20	\$3.15	\$3.10		
4.65	3.85	4.15	3.50	3.35	3.30							

Regional and District Office Orders.

[Region VIII Order G-4 Under MPR 418]

FRESH FISH AND SEAFOOD IN SAN FRANCISCO REGION

Order No. G-4 under Maximum Price Regulation No. 418, as amended. Fresh fish and seafood.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Adminis-

[MPR 509, Order 721]

PACKED CITRUS PRODUCTS OF THE 1944 AND LATER PACKS

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with section 2.1 (c) of Maximum Price Regulation 509, it is ordered:

(a) For grapefruit juice packed during the month of March 1944, processors shall reduce the named maximum prices for government sales as listed in section 2.1 (a) of Maximum Price Regulation No. 509 by the amounts set forth below respectively for the period of pack, state or area and container size. The resulting figures shall be the processors' maximum prices for grapefruit juice packed during March 1944, for sales to government procurement agencies. For the purpose of applying the monthly area grapefruit juice cost reduction, the states of Florida and Texas shall be treated as two separate areas.

(b) Reduction per dozen containers:

Style of pack	Grade	Period of pack	Reduce maximum price named in section 2.1 (a) for Government sales per dozen containers by amounts set forth below
All.....	All.....	March 1944.....	No. 3 cyl. can \$0.0000
Calif. and Arizona.....	All.....	March 1944.....	No. 10 can \$0.1500

(c) This order may be revoked or amended by the Price Administrator at any time. This order shall become effective April 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of April 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-5819; Filed, April 24, 1944; 11:36 a. m.]

FEDERAL REGISTER, Tuesday, April 25, 1944

tration by section 20 (a) of Maximum Price Regulation No. 418, as amended. *It is hereby ordered:*

(a) The maximum prices for sales of salmon, seine caught (Pacific Coast) sockeye (blueback) (*Oncorhynchus Nerka*) in Region VIII of the Office of Price Administration shall be as follows:

	Item No.	Style of dressing	Size	Price per pound Apr. 15 to June 1
				Cents
Table A 1	1	Round	All	16
Table B 2	1	Round	All	19 $\frac{1}{2}$
	2	Dressed	All	23 $\frac{1}{2}$
Table C	1	Round	All	21
	2	Dressed	All	27 $\frac{1}{2}$
Table D	1	Round	All	22
	2	Dressed	All	28 $\frac{1}{2}$
Table E	1	Round	All	24 $\frac{1}{2}$
	2	Dressed	All	31

¹ The maximum prices listed for this species of fish apply only when it is delivered ex-vessel Nash Bay, Washington, and the fishing grounds of all waters of Oregon and Washington.

² When the State Privilege Tax on this species of fish has been customarily paid by the purchaser of the fish, he may continue such payment and the amount actually paid may be added to the listed maximum price.

(b) All other provisions of Maximum Price Regulation No. 418, as amended, shall be applicable to such sales unless the context clearly requires otherwise.

(c) *Definition of Region VIII.* "Region VIII" means the states of California, Washington, Nevada, Oregon, except Malheur County, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following Counties in the state of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(d) This order may be revoked, amended, or corrected at any time.

This order shall become effective April 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 12th day of April 1944.

CHARLES R. BAIRD,

Acting Regional Administrator.

[F. R. Doc. 44-5657; Filed, April 20, 1944; 2:26 p. m.]

[North Georgia District Order G-1 Under MPR 376]

SWEET POTATOES IN NORTH GEORGIA DISTRICT AREA

Order No. G-1 under Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables. Adjustment of maximum prices for the sale of sweet potatoes at retail in the North Georgia District area.

For the reasons set forth in an accompanying opinion issued simultaneously herewith and under the authority vested in the District Director of the Atlanta District Office of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, and Regional Delegation Order No. 34, it is hereby ordered:

(a) *Purpose of order.* It is the purpose of this order to adjust the maximum prices which may be charged in accordance with Maximum Price Regulation

No. 376, as amended, for the sale at retail by sellers making retail sales which, were it not for this order, would be subject to Maximum Price Regulation No. 376, as amended, by establishing maximum prices by this order for such sales of sweet potatoes at retail.

(b) *Maximum prices.* The maximum price which may be charged on and after the effective date of this order for such sales of sweet potatoes as set forth in paragraph (a) above shall be a price calculated by the retail seller as follows: The seller shall take the cost which he paid, less all trade and cash discounts, for the particular lot of sweet potatoes from which the sale is being made, delivered to his store, when such purchase is made from a customary type supplier, in a customary quantity, and delivered to his store by a customary mode of transportation, and multiply such net cost by 1.40, and the resulting figure shall be his maximum selling price. If the sweet potatoes for which the seller is calculating a maximum price were not purchased from a customary type supplier, in a customary quantity, and delivered to his store by a customary mode of transportation, he shall find out what the sweet potatoes would have cost him if he had purchased them from a customary type supplier, in a customary quantity, and delivered to his store by a customary mode of transportation; and he shall multiply that net cost by 1.40 (rather than multiply the actual cost by 1.40), and the resulting figure shall be his maximum price. If a seller calculates a maximum selling price which exceeds 10¢ per pound, he may not use the price so calculated as his maximum price but his maximum price shall be 10¢ per pound.

(1) Any maximum price calculated hereunder which results in a fraction of less than a half cent shall be reduced to the next lower cent, or if it results in a fraction of a half cent or more it may be increased to the next whole cent.

(c) *Records.* Each retail seller subject to this order shall, before offering for sale any sweet potatoes after the effective date of this order, calculate his maximum price for each lot of potatoes purchased on the purchase invoice or other evidence of purchase given him by his supplier of each lot of sweet potatoes. He shall preserve such invoices and the calculations contained thereon for the purpose of examination by the Office of Price Administration so long as this order shall remain in effect.

(d) *Relationship to Maximum Price Regulation No. 376, as amended.* It is not the intention of this order to modify or change any sections, parts, or provisions of Maximum Price Regulation No. 376, as amended, which are not in conflict with the provisions of this order, and each seller shall continue to remain subject to such applicable provisions of Maximum Price Regulation No. 376, as amended, which are not in conflict with this order.

(e) *Definitions.* (1) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, the General Maximum Price

Regulation, and Maximum Price Regulation No. 376, as amended, issued by the Office of Price Administration, shall apply to the terms used herein.

(2) The "North Georgia District Area" means the territory located within the Counties of Lincoln, Wilkes, Taliaferro, Hancock, Washington, Johnson, Laurens, Dodge, Wilcox, Crisp, Lee, Terrell, Randolph, Quitman, or any county north or northwest of the named counties in the State of Georgia.

(f) *Geographical applicability.* This order applies to and is limited to sales by retail sellers making sales through their places of business located within the "North Georgia District Area."

(g) *Modification.* This order may be revoked, amended, modified, or corrected at any time by the District Director.

(h) *Effective date.* This order shall become effective April 8, 1944: *Provided, however,* That any seller subject to this order, if he prefers, may continue to establish his maximum prices in accordance with Maximum Price Regulation No. 376, as amended, until April 18, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of April 1944.

E. A. THORNWELL,
District Director.

[F. R. Doc. 44-5658; Filed, April 20, 1944; 2:26 p. m.]

[Region VIII Order G-1 Under MPR 285]

IMPORTED FRESH BANANAS IN SACRAMENTO, CALIF.

Order No. G-1 under Maximum Price Regulation No. 285, as amended. Imported fresh bananas.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.1254a (a) of Maximum Price Regulation No. 285, as amended, it is hereby ordered.

(a) *Sales by wholesalers beyond the free delivery zone.* When wholesalers located in the city of Sacramento, California, make sales of imported fresh bananas beyond the customary free delivery zone, an addition of 35 cents per cwt. net weight may be made to the maximum prices established for such sales under Maximum Price Regulation 285, as amended.

(b) *Definitions.* All the terms in this order shall have the same meaning as in Maximum Price Regulation No. 285, as amended, unless the context clearly requires otherwise.

(c) This order may be revoked, amended or corrected at any time.

This order shall become effective April 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of April 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-5705; Filed, April 21, 1944; 12:58 p. m.]

[Region VIII Order G-90 Under 18 (c)]
BLUING AND AMMONIA IN SEATTLE, WASH.

Order No. G-90 under § 1409.18 (c), as amended, of the General Maximum Price Regulation. Adjusted maximum prices for sales at retail and wholesale of bluing and ammonia bottled by Pacific Coast Vinegar Company, Seattle, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation: *It is hereby ordered:*

(a) The adjusted maximum prices at which sellers at retail and wholesale may sell and deliver bluing and ammonia bottled by Alfred Wolfheim, Pacific Coast Vinegar Company, 815 Weller Street, Seattle, Washington shall be the particular seller's present maximum price plus 1¢ per 12 ounce bottle.

(b) This order may be revoked, amended, or corrected at any time. This order shall become effective immediately.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of April 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-5706; Filed, April 21, 1944;
12:58 p. m.]

[Region IV Order G-13 Under RMPR 122,
Amdt. 1]

SOLID FUELS IN WILMINGTON, N. C.

Amendment No. 1 to Order No. G-13 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the City of Wilmington in the State of North Carolina.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and paragraph (f) of Order No. G-13 under said regulation, *It is hereby ordered*, That:

The maximum prices set forth in the fourth unnumbered subparagraph of paragraph (c) (1) (i) be amended by changing the prices contained in said subparagraph for Virginia anthracite (egg or stove) to \$13.40 per ton, \$6.95 per ½ ton, and \$3.60 per ¼ ton. The amended prices provided herein shall apply during the period April 12, 1944, to March 31, 1945, inclusive, unless amended or revoked during said period. On and after April 1, 1945, the maximum prices for said Virginia anthracite shall be \$13.20 per ton, \$6.85 per ½ ton, and \$3.55 per ¼ ton.

This Amendment No. 1 shall become effective April 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued April 18, 1944.

ALEXANDER HARRIS,
Acting Regional Administrator.

[F. R. Doc. 44-5760; Filed, April 22, 1944;
3:06 p. m.]

[Louisville, Ky. Order G-1 Under MPR 285]
BANANAS IN LOUISVILLE, KY.

Order No. G-1 under Maximum Price Regulation No. 285. Imported fresh bananas, sales except at retail.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.1254a (b) of Maximum Price Regulation No. 285 and by him delegated to the District Director of the Louisville District under the provisions of Delegation Order 1-A, Revised: *It is hereby ordered:*

In any instance where there is hauling of imported fresh bananas for sales except at retail from a wholesaler's customary receiving point to his place of business or to his ripening facilities, such wholesaler may adjust his maximum prices upward to include the actual cost of such hauling, not to exceed 35 cents per hundredweight.

This order does not provide for any charge or addition for the cost of local hauling within the free delivery zone surrounding the wholesaler's customary receiving point.

This order shall become effective April 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 18th day of April 1944.

GEO. H. GOODMAN,
District Director.

[F. R. Doc. 44-5761; Filed, April 22, 1944;
3:06 p. m.]

RAILROAD RETIREMENT BOARD.

Office of the General Counsel.

[Jurisdictional Docket No. 27]

THE SHIPLEY COMPANY

NOTICE OF HEARING

In the matter of the status under the Railroad Unemployment Insurance Act of the Shipley Company and of the individuals rendering service under contracts between the Shipley Company and the Chicago, St. Paul, Minneapolis and Omaha Railway Company.

Pursuant to regulations under the Railroad Unemployment Insurance Act (45 U.S.C. 351-367), Part 319, §§ 319.42 et seq. (7 F.R. 4777), the following orders have been issued:

ORDER AWARDING BENEFITS ON THE BASIS OF COMPENSATION EARNED IN SERVICE UNDER CERTAIN AGREEMENTS BETWEEN THE SHIPLEY COMPANY AND THE CHICAGO, ST. PAUL, MINNEAPOLIS AND OMAHA RAILWAY COMPANY

In accordance with the determination of the issues presented and passed upon in the General Counsel's opinion of January 12, 1943, L-43-22, holding that individuals who are, or have been, engaged in the performance of service under certain agreements, and supplements thereto, specified in the above-mentioned opinion, between The Shipley Company and the Chicago, St. Paul, Minneapolis and Omaha Railway Company, covering the performance of labor in connection with the handling of locomotive coal and sand, the unloading of coal and briquettes, the removal and disposal of cinders, the cleaning of cars, and icing services, are, and have been, subject to the continuing authority of the Chicago, St. Paul, Minneapolis and Omaha Railway Company to supervise and direct the manner of rendition of their service, which service they render for compensation, and therefore that such individuals are, and have been, with respect to their service under the agreements, employees of the Chicago, St. Paul, Minneapolis and Omaha Railway Company under the Railroad Retirement Act and the Railroad Unemployment Insurance Act:

Benefits are hereby awarded to all individuals whose compensation earned in service under the above-mentioned agreements exclusively or in addition to compensation earned in other employee service for covered employers, is \$150 or more in the applicable base year, such benefits to be determined in accordance with section 2 (a) of the Railroad Unemployment Insurance Act by including compensation earned in service under the above-mentioned agreements, and to be payable for any days of unemployment established in accordance with the Railroad Unemployment Insurance Act and applicable regulations: *Provided, however, That all benefits paid pursuant to this award shall be paid subject to a right of recovery thereof as provided in section 5 (c) of the Railroad Unemployment Insurance Act.*

Order entered and award of benefits made pursuant to authority vested in me by regulations, § 319.40, this 20th day of April 1944.

ORDER REOPENING INITIAL DETERMINATION ON CREDITABILITY OF SERVICE RENDERED UNDER CERTAIN AGREEMENTS BETWEEN THE SHIPLEY COMPANY AND THE CHICAGO, ST. PAUL, MINNEAPOLIS AND OMAHA RAILWAY COMPANY

Whereas the General Counsel on January 12, 1943, issued an opinion, L-43-22, holding that individuals who are, or have been, engaged in the performance of service under certain agreements, and supplements thereto, specified in the above-mentioned opinion, between The Shipley Company and the Chicago, St. Paul, Minneapolis and Omaha Railway Company, covering the performance of labor in connection with the handling of locomotive coal and sand, the unloading of coal and briquettes, the removal and disposal of cinders, the cleaning of cars, and icing services, are, and have been, subject to the continuing authority of the Chicago, St. Paul, Minneapolis and Omaha Railway Company to supervise and direct the manner of rendition of their service, which they render for compensation, and therefore, that such individuals are, and have been, with respect to their service under the agreements, employees of the Chicago, St. Paul, Minneapolis and Omaha Railway Company under the Railroad Retirement Act and the Railroad Unemployment Insurance Act; and

FEDERAL REGISTER, Tuesday, April 25, 1944

Whereas The Shipley Company and the Chicago, St. Paul, Minneapolis and Omaha Railway Company notified the General Counsel of the Board that they questioned the correctness of the General Counsel's determination; and

Whereas, in accordance with § 319.40 of Part 319 of the regulations governing proceedings under section 5 (c) of the Railroad Unemployment Insurance Act, the General Counsel, on April 20, 1944, entered a general order awarding benefits on the basis of compensation earned in service under the above-mentioned agreements entered into between The Shipley Company and the Chicago, St. Paul, Minneapolis and Omaha Railway Company, subject to a right of recovery of any benefits paid pursuant to such order as provided in section 5 (c) of the Railroad Unemployment Insurance Act;

Now, therefore, pursuant to the authority vested in the General Counsel by Part 319 of the Regulations, *It is hereby ordered and directed*, That The General Counsel's determination of January 12, 1943, L-43-22, be, and it hereby is, reopened for further consideration and proceedings in accordance with Part 319 of the regulations.

Dated: April 20, 1944.

In accordance with the above orders, and pursuant to the authority vested in the General Counsel by Part 319 of the regulations, notice is hereby given that a hearing in the above-entitled matter will be held before the General Counsel, presiding as Examiner, on Monday, May 15, 1944, at 10:00 a. m., in the Hearing Room of the Railroad Retirement Board, 844 Rush Street, Chicago, Illinois, on the following questions:

(1) Have the individuals engaged in the performance of service under contracts between The Shipley Company and the Chicago, St. Paul, Minneapolis and Omaha Railway Company been, and are they, with respect to such service, employees of the Chicago, St. Paul, Minneapolis and Omaha Railway Company, within the meaning of the Railroad Unemployment Insurance Act?

(2) Has The Shipley Company ever been directly or indirectly owned or controlled by, or under common control with, one or more express companies, sleeping-car companies, or carriers by railroad, subject to Part I of the Interstate Commerce Act, within the meaning of section 1 (a) of the Railroad Unemployment Insurance Act?

(3) Has The Shipley Company ever operated any equipment or facilities or performed any service (other than trucking service or casual service) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer-in-transit, refrigeration or icing, storage or handling of property transported by railroad, within the meaning of section 1 (a) of the Railroad Unemployment Insurance Act?

The Shipley Company, the Chicago, St. Paul, Minneapolis and Omaha Railway Company, the individuals who have been awarded benefits on the basis of pay earned in service under the above-mentioned agreements, and all other parties properly interested may participate in the hearing and will be afforded an opportunity to present evidence and arguments.

In preparation for, and in the conduct of, said hearing, the General Counsel,

acting as Examiner, is authorized to require and compel the attendance of witnesses, administer oaths, take testimony and make all necessary investigations. A record will be kept of all evidence and argument presented, orally or in writing, at said hearing. The evidence presented orally will be under oath. Parties offering exhibits to be admitted in evidence at the hearing may be required to furnish copies of the same to all other parties participating or entering an appearance in the proceeding.

[SEAL] JOSEPH H. FREEHILL,
General Counsel.

APRIL 20, 1944.

[F. R. Doc. 44-5776; Filed, April 24, 1944;
10:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 52-22, 52-18]

ASSOCIATED GAS AND ELECTRIC CO. AND
ASSOCIATED GAS AND ELECTRIC CORP.

ORDER APPROVING PLAN AS AMENDED AND DISMISSING PROCEEDINGS ON ANOTHER PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of April, A. D. 1944.

In the matter of Stanley Clarke, Trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, File No. 52-22; Henry A. Stix, Associated Gas and Electric Company, Associated Gas and Electric Corporation, File No. 52-18.

A joint application having been filed under section 11 (f) of the Public Utility Holding Company Act of 1935 by Stanley Clarke, Trustee of Associated Gas and Electric Company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, registered holding companies, requesting the Commission's approval of a plan, as amended, for the reorganization of said companies under said section and Chapter X of the Bankruptcy Act;

An application having also been filed under said section by Henry A. Stix for the Commission's approval of his plan for the reorganization of the same companies, and proceedings on both plans having been consolidated by order of the Commission;

Hearings having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein; on the basis of said findings and opinion, and pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935,

It is ordered, That the plan of reorganization, as amended, filed jointly by the trustees above named, be and it hereby is approved, subject to the following terms and conditions:

(1) That the surviving company contemplated by said plan, as amended, shall be bound by the record heretofore or hereafter made in proceedings (File

No. 59-32) under section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed to the aforesaid trustees of Associated Gas and Electric Corporation, and shall be subject to such orders as we have issued or shall issue therein;

(2) That the Commission reserves jurisdiction to approve or disapprove the accounting entries to be made on the books of the surviving company as of the effective date of the plan; and

(3) That the Commission reserves jurisdiction to pass upon all future amendments to said plan, including (without limitation) certain necessary amendments with respect to the surviving company's new senior debt and new debentures, and the number of directors and the persons to be named as members of its initial board of directors; and in general to conduct all further proceedings that may properly be brought before it in respect of the plan, the consummation thereof, and the transactions incidental thereto.

It is further ordered, That the proceedings on the plan filed by Henry A. Stix be and they hereby are dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-5674; Filed, April 21, 1944;
10:06 a. m.]

[File No. 70-886]

PUBLIC SERVICE CORPORATION OF NEW JERSEY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of April 1944.

Notice is hereby given that an application or declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Public Service Corporation of New Jersey (Public Service), a holding company and a subsidiary of The United Corporation, a registered holding company.

Notice is further given that any interested person may, not later than May 8, 1944 at 10:00 a. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said application or declaration, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application or declaration, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

Public Service proposes to deliver, pursuant to a general call for redemption, \$135,000 principal amount of New Jersey and Hudson River Railway and Ferry Company First Mortgage 4% Fifty-year Bonds assumed on June 28, 1940 by Public Service Coordinated Transport (Transport), a subsidiary of Public Service. In connection therewith, Public Service proposes to contribute to Transport \$43,496.25 cash, representing the difference between the redemption price of 105% and the cost of the bonds to Public Service purchased in the open market for \$98,253.75.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 44-5754; Filed, April 22, 1944;
3:02 p. m.]

[File No. 52-221]

ASSOCIATED GAS AND ELECTRIC CO. AND ASSOCIATED GAS AND ELECTRIC CORP.

NOTICE OF FILING AMENDMENT TO PLAN OF REORGANIZATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of April, 1944.

In the matter of Stanley Clarke, Trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation.

Notice is hereby given that an amendment designated as Amendment No. 3 has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the Trustee of Associated Gas and Electric Company and the Trustees of Associated Gas and Electric Corporation, registered holding companies; and

Notice is further given that any interested person may, not later than April 29, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, this amendment as filed or as further amended may become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia 3, Pennsylvania.

All persons interested are referred to said amendment, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

On April 14, 1944, the Commission entered its findings and opinion and order approving the plan of reorganization, as amended, of the Trustee of Associated Gas and Electric Company and the Trustees of Associated Gas and Electric Corporation. The present amendment eliminates certain exhibits and introductory statements as filed in the original plan, as amended, in order to facilitate printing and mailing to creditors of the two estates, in accordance with the provi-

sions of the Bankruptcy Act. No change has been made in the substance of the proposed plan, as amended.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 44-5770; Filed, April 24, 1944;
10:54 a. m.]

[File No. 70-851]

PUBLIC SERVICE CORP. OF NEW JERSEY AND PUBLIC SERVICE COORDINATED TRANSPORT

ORDER CONSENTING TO WITHDRAWAL

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of April 1944.

Public Service Corporation of New Jersey and its subsidiary, Public Service Coordinated Transport, having filed a request for the withdrawal of their joint application or declaration, filed with this Commission on January 14, 1944, regarding the proposed acquisition by Public Service Coordinated Transport of certain of its direct and assumed obligations from Public Service Corporation of New Jersey and from the public, as is more fully described in our notice of filing and order for hearing of January 29, 1944 (Holding Company Act Release No. 4862); said request stating that "After further consideration the management of Public Service Coordinated Transport deems it advisable at this time to conserve its working capital"; and

It appearing to the Commission that the withdrawal of the joint application or declaration is not detrimental to the public interest or to the interests of investors or consumers,

It is ordered, That the request of Public Service Corporation of New Jersey and Public Service Coordinated Transport be, and it is hereby granted, and said joint application or declaration is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 44-5771; Filed, April 24, 1944;
10:54 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4481, 4488, 4491, as amended, 49 Stat. 1384, 1544, 54 Stat. 163-167, 1028 (46 U.S.C. 375, 391a, 404, 474, 481, 489, 369, 367, 526-526t, 463a), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following items of equipment are approved:

EMBARKATION-DEBARKATION LADDER

Embarkation-debarkation ladder with aluminum discs, for use on tank vessels (Dwg. No. 241-B aluminum, dated 30 March, 1944), submitted by the American Chain Ladder Co., Inc., 151 East 50th Street, New York, N. Y.

LIFEBOAT

26' x 8.5' x 3.825' metallic lifeboat with Allen hand-operated propelling gear, Type "HMS" (583 cu. ft. S. R. capacity) (Construction Detail Dwg. No. 469 B, dated February

1944), submitted by Tregoning Boat Company, 6505 Seaview Avenue, Seattle, Wash. (For use on the U. S. A. H. S. MARIGOLD only.)

LIFE FLOAT

40-person, rectangular balsa wood life float (Dwg. No. M751, dated 25 October, 1943), manufactured by Roof Structures, Inc., 45 West 45th Street, New York, N. Y.

LINE-THROWING GUN

2 1/2" line-throwing gun, Model "B" short barrel (Dwg. No. 100, dated 1 April, 1944), submitted by the Hawley Smith Machinery Company, Croton Falls, New York.

LIFE PRESERVER

U. S. Army Transportation Corps adult kapok life preserver (Dwg. No. XA-252-A), Approval No. B-217, for general use, and not for use with a rubber lifesaving suit, submitted by U. S. Army Transportation Corps, Water Division, Marine Safety Inspection Section, 201 64th Street, Brooklyn, N. Y.

PORTABLE ELECTRIC MEGAPHONE

Portable electric megaphone, Type AM-5 (Dwgs. Nos. 31044 and 31144, dated 14 March, 1944, and 11044, dated 12 January, 1944), submitted by Herbach & Rademan Co., 517 Ludlow St., Philadelphia, Pa.

SEA ANCHOR

Sea anchor, Type 3 x 6 (U. S. Coast Guard specification and Dwg. No. MMI-562, dated 1 November, 1943), submitted by the Weber Showcase & Fixture Corporation, 5700 Avalon Boulevard, Los Angeles, California.

FIRE RETARDANT MATERIALS FOR VESSEL CONSTRUCTION INSULANT FOR CLASS A-1 CONSTRUCTION

Mineral wool insulation, for use as an insulant for Class A-1 construction (in conjunction with an approved class B panel), minimum thickness 1 1/2" - 8 lb. per cu. ft. density, minimum thickness 2" - 6 lb. per cu. ft. density, batts or blankets, submitted by Forty-Eight Insulations, Inc., Aurora, Illinois.

R. R. WAESCHE,
Vice Admiral, USCG, Commandant.

APRIL 22, 1944.

[F. R. Doc. 44-5775; Filed, April 24, 1944;
10:55 a. m.]

WAR PRODUCTION BOARD.

CROWN TAILORING COMPANY

CONSENT ORDER

Max Epstein, doing business as Crown Tailoring Company at 203 Mitchell Street, S.W., Atlanta, Georgia, is engaged in the retail clothing business. He is charged by the War Production Board with, during the period July, 1943 to February 2, 1944, having caused to be put in process for his account wool cloth for the manufacture of men's clothing which exceeded the limitations on size, in violation of War Production Board Order L-224. He is also charged with delivering said clothing in violation of Order L-224. Max Epstein admits the violations as charged, and does not care to contest the wilfulness of the same; and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Max Epstein, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, It is hereby ordered, That:

FEDERAL REGISTER, Tuesday, April 25, 1944

(a) Max Epstein, doing business as Crown Tailoring Company, or otherwise, his successors or assigns, shall not, directly or indirectly, buy, order, receive, or accept delivery of, or deliver, any wool cloth or men's wool clothing except as specifically authorized in writing by the War Production Board.

(b) The restrictions of this order do not apply to finished garments on hand or in transit as of the effective date of this order. Said garments may be delivered by Max Epstein, doing business as Crown Tailoring Company.

(c) Nothing contained in this order shall be deemed to relieve Max Epstein from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on April 21, 1944, and shall expire on June 5, 1944.

Issued this 14th day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5728; Filed, April 21, 1944;
4:58 p. m.]

STANDARD OIL CO. OF INDIANA

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS DATED DECEMBER 8, 1942

The War Production Board has issued certain revocation orders revoking special directions dated December 8, 1942, issued in connection with synthetic rubber facilities construction projects to which urgency numbers listed below were assigned. For the effect of such revocation order the builder and suppliers affected shall refer to the specific order issued to the builder:

Urgency rating number, builder's serial number, company, address, and location of project:

53; 22007; Standard Oil Co. of Indiana, 910 S. Michigan Ave., Chicago, Illinois; Wood River, Illinois.

Issued this 22d day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5752; Filed, April 22, 1944;
11:53 a. m.]

UNION OIL CO. OF CALIFORNIA

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS DATED DECEMBER 8, 1942

The War Production Board has issued certain revocation orders revoking special directions dated December 8, 1942, issued in connection with high octane gasoline facilities construction projects to which urgency numbers listed below were assigned. For the effect of such revocation order the builder and suppliers affected shall refer to the specific order issued to the builder:

Urgency rating number, Builder's serial number, Company, Address, and Location of project:

58; 6130; Union Oil Co. of California; Los Angeles, California, Wilmington, California.

Issued this 22d day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5751; Filed, April 22, 1944;
11:53 a. m.]